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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1992/32

CONTENTS

	Paragraphs	Page
Introduction	1 - 4	4
I. MANDATE AND METHODS OF WORK	5 - 24	6
II. INFORMATION REVIEWED BY THE SPECIAL RAPPORTEUR WITH RESPECT TO VARIOUS COUNTRIES	25 - 921	10
Algeria	26 - 27	10
Angola	28	10
Argentina	29 - 41	11
Bahrain	42 - 50	12
Bangladesh	51 - 57	14
Belgium	58 - 60	15
Bolivia	61 - 65	16
Brazil	66 - 73	16
Bulgaria	74 - 80	18
Burundi	81	20
Cameroon	82 - 86	20
Chile	87 - 88	21

CONTENTS (continued)

	Paragraphs	Page
China	89 - 128	21
Colombia	129 - 137	27
Côte d'Ivoire	138	29
Croatia	139 - 140	29
Cuba	141 - 149	30
Cyprus	150 - 153	31
Czech Republic	154	32
Denmark	155 - 163	32
Djibouti	164	33
Dominican Republic	165 - 166	34
Ecuador	167 - 177	34
Egypt	178 - 242	36
El Salvador	243 - 249	47
Equatorial Guinea	250 - 260	48
Ethiopia	261 - 269	50
France	270 - 285	52
Georgia	286 - 300	54
Germany	301 - 302	57
Guatemala	303 - 306	58
Haiti	307 - 314	58
Hungary	315 - 321	60
India	322 - 380	61
Indonesia	381 - 401	72
Iran (Islamic Republic of)	402 - 411	77
Iraq	412	78
Israel	413 - 425	79
Italy	426 - 440	81
Japan	441 - 452	84
Jordan	453 - 455	86
Kenya	456 - 462	87
Kyrgyzstan	463	88
Lebanon	464 - 468	89
Libyan Arab Jamahiriya	469	90
Mauritania	470	90
Mexico	471 - 486	90
Mozambique	487 - 491	94
Myanmar	492 - 500	95
Nepal	501 - 507	97
Niger	508	98
Nigeria	509 - 511	98
Norway	512 - 514	99
Pakistan	515 - 552	100
Peru	553 - 574	107
Philippines	575 - 581	109
Portugal	582 - 585	111
Qatar	586	111
Republic of Korea	587 - 602	112
Romania	603 - 614	115
Saudi Arabia	615 - 628	117

CONTENTS (continued)

		Paragraphs	Page
	Senegal	629 - 632	120
	South Africa	633 - 639	121
	Spain	640 - 667	123
	Sri Lanka	668 - 678	127
	Sudan	679 - 707	130
	Switzerland	708 - 713	135
	Syrian Arab Republic	714 - 716	136
	Togo	717 - 725	137
	Tunisia	726 - 745	139
	Turkey	746 - 826	143
	Turkmenistan	827 - 830	157
	Uzbekistan	831	158
	Venezuela	832 - 865	158
	Viet Nam	866 - 873	163
	Yemen	874	164
	Yugoslavia	875 - 921	165
III.	CONCLUSIONS AND RECOMMENDATIONS	922 - 926	171

Introduction

1. At its forty-first session, the Commission on Human Rights adopted resolution 1985/33, in which it decided to appoint a special rapporteur to examine questions relevant to torture. Since then the mandate has been renewed by Commission resolutions 1986/50, 1987/29, 1988/32, 1990/34 and 1992/32. In resolution 1992/32, the Commission extended the mandate for a period of three years. In pursuance of these resolutions, the Special Rapporteur submitted annual reports to the Commission, which are contained in documents E/CN.4/1986/15, E/CN.4/1987/13, E/CN.4/1988/17 and Add.1, E/CN.4/1989/15, E/CN.4/1990/17 and Add.1, E/CN.4/1991/17, E/CN.4/1992/17 and Add.1, E/CN.4/1993/26 and E/CN.4/1994/31.

2. In its resolution 1993/40, the Commission took note of the resignation of Mr. P. Kooijmans as Special Rapporteur and requested the Chairman, after consultations within the Bureau, to appoint an individual of recognized international standing as his successor. As a result, Mr. Nigel S. Rodley (United Kingdom) was appointed Special Rapporteur.

3. In conformity with resolutions 1992/32, 1993/4 and 1994/37, the Special Rapporteur hereby presents his second report to the Commission. Chapter I deals with a number of aspects pertaining to the mandate and methods of work. Chapter II consists mainly of a review of the information transmitted by the Special Rapporteur to Governments, as well as the replies received, from 16 December 1993 to 20 December 1994. Chapter III contains conclusions and recommendations.

4. In addition to the above-mentioned resolutions, several other resolutions adopted by the Commission on Human Rights at its fiftieth session are also pertinent within the framework of the mandate of the Special Rapporteur and have been taken into consideration in examining and analysing the information brought to his attention with regard to the different countries. These resolutions are, in particular:

(a) Resolution 1994/22, entitled "Rights of persons belonging to national or ethnic, religious and linguistic minorities", in which the Commission urged the Special Rapporteur to continue to give due regard to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

(b) Resolution 1994/33, entitled "Right to freedom of opinion and expression", in which the Commission invited the Special Rapporteur to pay attention to the situations of persons detained, subjected to violence, ill-treated or discriminated against for having exercised the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

(c) Resolution 1994/34, entitled "Human rights in the administration of justice", in which the Commission called upon the Special Rapporteur to continue to provide, wherever appropriate, specific recommendations in regard to the effective protection of human rights in the administration of justice, including proposals for concrete measures under the United Nations programme of advisory services and technical assistance in the field of human rights;

(d) Resolution 1994/42, entitled "Staff members of the United Nations and of the specialized agencies in detention", in which the Commission requested the Special Rapporteur to examine as appropriate the cases involving the human rights of staff members of the United Nations system and their families, as well as experts, special rapporteurs and consultants, and to transmit the relevant part of his report to the Secretary-General for inclusion in the latter's report to the Commission on Human Rights;

(e) Resolution 1994/45, entitled "The question of integrating the rights of women into the human rights mechanisms of the United Nations and the elimination of violence against women", in which the Commission requested the Special Rapporteur regularly and systematically to include in his report available information on human rights violations against women;

(f) Resolution 1994/46, entitled "Human rights and terrorism", in which the Commission urged the Special Rapporteur to address as appropriate the consequences of acts, methods and practices of terrorist groups in his report to the Commission on Human Rights;

(g) Resolution 1994/53, entitled "Human rights and thematic procedures", in which the Commission requested the Special Rapporteur to include in his report comments on problems of responsiveness and the result of analyses, as appropriate, in order to exercise his mandate even more effectively, and to include also in his report suggestions for areas where Governments might request relevant assistance through the advisory services programme administered by the Centre for Human Rights; the Commission also called on the Special Rapporteur to include in his report gender-disaggregated data and to address the characteristics and practice of violations of the right to life that are specifically or primarily directed against women, or to which women are particularly vulnerable;

(h) Resolution 1994/66, entitled "Human rights and mass exoduses", in which the Commission called upon the Special Rapporteur to seek information, where appropriate, on problems resulting in mass exoduses of populations or impeding their voluntary return home and, where appropriate, to include such information, together with recommendations thereon, in his report to the Commission;

(i) Resolution 1994/67, entitled "Civil defence forces", in which the Commission invited the Special Rapporteur to pay due attention to the matter of civil defence forces in relation to the protection of human rights and fundamental freedoms;

(j) Resolution 1994/69, entitled "Advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights", in which the Commission invited the Special Rapporteur to continue to include in his recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services;

(k) Resolution 1994/70, entitled "Cooperation with representatives of United Nations human rights bodies", in which the Commission requested the Special Rapporteur to continue to take urgent steps to help prevent the occurrence of intimidation and reprisals against persons who seek to cooperate, or have cooperated with United Nations human rights procedures, as well as relatives of victims of human rights violations, and to continue to include in his report to the Commission on Human Rights a reference to allegations of intimidation or reprisal, or of hampering access to United Nations human rights procedures, as well as an account of action he has taken in this regard;

(l) Resolution 1994/93, entitled "The plight of street children", in which the Commission called upon the Special Rapporteur to pay particular attention to the plight of street children;

(m) Resolution 1994/95, entitled "World Conference on Human Rights", in which the Commission requested the Special Rapporteur to include in his report, where appropriate, a section on the implementation of the recommendations contained in the Vienna Declaration and Programme of Action.

I. MANDATE AND METHODS OF WORK

5. The Special Rapporteur described his mandate and methods of work extensively in his last report (E/CN.4/1994/31, chap. I). The Commission expressed its approval of the methods of work in its resolution 1994/37 (para. 13). The Special Rapporteur has sought to act consistently with these methods in the year covered by the present report.

6. In accordance with paragraph 9 of Commission resolution 1993/47 (see E/CN.4/1995/31, para. 18) and paragraph 10 of resolution 1994/53, in which it encouraged thematic special rapporteurs and working groups to continue close cooperation with relevant treaty monitoring bodies, the Special Rapporteur held a valuable meeting with the Committee against Torture on 27 April 1994. The Special Rapporteur draws the Commission's attention to paragraph 16 of the Committee's most recent report (A/49/44) which, in his view, accurately summarizes their meeting as follows:

> "Both the Committee and the Special Rapporteur stressed that their mandates were different, but complementary to achieve the common goal of reducing and eventually eradicating the plague of torture in the world. They were of the view that the existing coordination of their respective areas of work made it possible to avoid any overlap in their activities and that exchanges of views and information should continue on a regular basis."

7. Pursuant to the same paragraphs calling for cooperation between thematic mechanisms and country rapporteurs, the Special Rapporteur, in response to a request by the Special Rapporteur on the situation of human rights in Rwanda, accompanied the latter on his first visit to Rwanda from 10 to 20 June 1994.

8. With reference to the need to avoid unnecessary duplication and the contribution that joint visits by thematic mechanisms make to this end (see

E/CN.4/1994/31, para. 17) he and the Special Rapporteur on extrajudicial, summary or arbitrary executions sought and obtained the agreement of the Government of Colombia for such a joint visit. The report of the visit, which took place from 17 to 26 November 1994, is contained in document E/CN.4/1995/111. This is believed to be the first such visit by more than one thematic mechanism other than together with a country-specific mechanism.

9. While unnecessary overlap and duplication of work are to be avoided, there can be no avoiding the involvement of more than one mechanism in respect of the same cases, if different aspects of those cases concern the mandates of different mechanisms. Thus, in a letter of 24 May 1994, the Permanent Mission of the Republic of Korea to the United Nations Office at Geneva indicated that, in respect of two cases that involved the mandates of both the Special Rapporteur and the Working Group on Arbitrary Detention, it would expect its reply to the Working Group also to be referred to by the Special Rapporteur. The Special Rapporteur, of course, had no difficulty with this principle, provided that the response in question addressed the issues relevant to each mandate. In a letter of 17 August 1994, he so informed the Government.

10. In addition to the joint missions referred to in paragraphs 7 and 8 above, the Special Rapporteur was invited by the Government of the Russian Federation to visit the country to consider measures concerning prisoners' rights. The report of that mission, which took place in July 1994, is contained in addendum 1 to the present report.

11. In the two years of his mandate the Special Rapporteur has raised with a number of Governments the possibility of their extending an invitation to him to visit their countries. He is happy to report to the Commission that, in addition to the visit to Colombia, the Government of Venezuela has agreed to a visit to that country early in 1995. A number of other requests have not so far yielded firm invitations. References to these may be found in chapter II, paragraphs 86 (Cameroon), 380 (India), 401 (Indonesia) and 552 (Pakistan).

12. Within the framework of related activities of the Commission on Human Rights, the Special Rapporteur participated in the first formal meeting of special rapporteurs and other mechanisms of the special procedures of the Commission, which took place from 30 May to 1 June 1994. The report of the meeting is contained in document E/CN.4/1995/5. In his capacity as Rapporteur of the meeting he also attended the open-ended working group on the organization of the work of the Commission on Human Rights, where he introduced the report of the meeting. The Special Rapporteur was unfortunately prevented by the simultaneous timing of one of his missions from attending the Commission's Working Group on a Draft Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. He was, however, able to make his views on certain issues available to the Group in written form (E/CN.4/1994/WG.11/WP.2).

13. Bearing in mind Commission resolution 1994/37 in which the Commission considered it desirable that the Special Rapporteur should pursue cooperation with relevant United Nations programmes, notably that on crime prevention and criminal justice, the Special Rapporteur attended the third session of the Commission on Crime Prevention and Criminal Justice which took place in Vienna from 25 April to 6 May 1994. He supported moves aimed at more effective

implementation of United Nations norms and standards relevant to the protection of prisoners, within the framework of preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to be held in April 1995.

14. The Special Rapporteur also attended a number of non-governmental events relevant to the promotion or discharge of his mandate. These included the nineteenth Round Table of the International Institute of Humanitarian Law, held in San Remo, Italy in August, the twentieth anniversary conference of the International Federation of ACAT (Action of Christians for the Abolition of Torture), held in Strasbourg, France in September and a conference of Penal Reform International aimed at developing a practical manual of standards for the treatment of prisoners, held in The Hague, the Netherlands, in November.

Follow-up to paragraph 5 of Commission on Human Rights resolution 1994/37

15. In paragraph 5 of its resolution 1994/37 the Commission on Human Rights "invite[d] the Special Rapporteur to examine questions concerning torture directed disproportionately or primarily against women and conditions conducive to such torture, and to make appropriate recommendations concerning prevention of gender-specific forms of torture".

16. Methods of torture involving sexual abuse may be characterized as essentially gender-based. Professor Kooijmans, in his oral introduction to his 1992 report to the Commission on Human Rights, noted that "[s]ince it was clear that rape or other forms of sexual assault against women in detention were a particularly ignominious violation of the inherent dignity and the right to physical integrity of the human being, they accordingly constituted an act of torture." (E/CN.4/1992/SR.21, para. 35).

17. Although the human rights instruments concerning torture do not refer specifically to gender-based violence, several instruments in the humanitarian law context contain provisions related to proscription of torture against women. For example, the Declaration on the Protection of Women and Children in Emergency and Armed Conflict (General Assembly resolution 3318 (XXIX)) provides that "[a]ll forms of repression and cruel and inhuman treatment of women and children, including ... torture ... committed by belligerents in the course of military operations or in occupied territories shall be considered criminal." Article 27 of the Fourth Geneva Convention provides that "[w]omen shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault" and applies to women who are "protected persons" within the meaning of article 4 of the Convention. Article 76 (1) of Protocol I and article 4 (2) (e) of Protocol II also prohibit rape, enforced prostitution and indecent assault. Article 4 (2) (e) adds the prohibition of "outrages upon personal dignity, in particular humiliating and degrading treatment ...".

18. In certain countries, rape and other forms of sexual assault were reported to be common means of torture. It was alleged in the case of one country that 85 per cent of women held in police custody were subjected to some form of sexual abuse, including rape. Although allegations of sexual abuse were occasionally received wherein men were the target, the vast majority of such allegations concerned women. When sexual abuse occurred in

the context of custodial detention, interrogators were said to have used rape as a means of extracting confessions or information, to punish, or to humiliate detainees. In some instances, the gender of an individual constituted at least part of the very motive for the torture itself, such as in those where women were raped allegedly for their participation in political and social activism.

19. In addition to being an especially traumatic form of torture for the victim, rape may have insidious correlative consequences. In many situations a woman may be reluctant to seek redress by reporting a rape because of the severe social repercussions that may flow therefrom. The stigma attached in many communities to a woman who has been raped may result in particularly dire consequences for the private and public life of the woman. In addition to social stigma, some victims may be subjected to direct reprisals from relatives. In a few countries, where severe legal sanctions have been adopted against adultery and where the evidentiary requirements to demonstrate rape are stringent, a woman reporting a rape may risk holding herself open to prosecution. Consequently, when rape or sexual assault against a woman constitutes a torture method, the chances of the torturer acting with impunity would appear disproportionately higher than with other torture methods.

20. Torture practised against women may carry with it implications regarding the general violation of rights of women. The Committee on the Elimination of Discrimination against Women (CEDAW), in general recommendation No. 19 contained in its report to the General Assembly of 24 June 1992 (A/47/38), enumerated the right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment as among those rights impaired by or nullified by gender-based violence under international law and constituting discrimination within the meaning of the Convention on the Elimination of All Forms of Discrimination against Women.

21. Pregnant women are particularly vulnerable to torture. A woman facing torture risks miscarriage and other health risks, as well as damage to the foetus.

22. Torture may also be used as a means to punish an exclusively or predominately gender-based crime. In one country, for example, flogging is prescribed for women who fail to conform to strict Islamic dress laws. Flogging and death by stoning of women for adultery are also prescribed in some penal provisions.

23. Finally, women are sometimes tortured as surrogates for the real target, who may be the victim's spouse or family member or friend. Such an attack may be conducted in order to induce a suspect to come out of hiding, to provide a confession or information if the suspect is already in custody or to inflict punishment.

24. The Special Rapporteur endorses CEDAW'S recommendation, contained in its general recommendation No. 19 for gender-sensitive training of judicial and law enforcement officers and other public officers. In addition, the Special Rapporteur recommends that female security personnel be present during the interrogation of women detainees, as the interrogation and detention of female

detainees by exclusively male personnel constitute conditions that may be conducive to rape and sexual abuse of women prisoners or the threat or fear thereof.

II. INFORMATION REVIEWED BY THE SPECIAL RAPPORTEUR WITH RESPECT TO VARIOUS COUNTRIES

25. During the period under review, the Special Rapporteur transmitted 144 urgent appeals to 45 Governments concerning some 716 individuals (at least 108 known to be women), as well as several groups of persons, with regard to whom fears of torture had been expressed. He also sent 53 letters containing some 658 cases (about 62 known to be women) or incidents of alleged torture. If the information received contained a critical analysis of a more general nature regarding the phenomenon of torture, this information was also brought to the attention of the Governments concerned. In addition, 34 countries provided the Special Rapporteur with replies on some 239 cases submitted during the current year, whereas 18 did so with respect to some 193 cases submitted in previous years.

Algeria

Urgent appeals

26. The Special Rapporteur sent an urgent appeal to the Government on 16 March 1994 concerning Tunisian nationals Zine El Abidine Attia, Idriss Nouioui, Kaddour Naghmouchi, Mahjoubi Soltan, Nassereddine Khelisi, Barhoumi Boumenjel, Bechir Aboud Abdeljaouad, and Jebari Boujemaa, who had requested asylum in Algeria because they feared persecution in their own country as a result of their support for the al-Nahda Islamic Movement. The persons were reportedly arrested in Algiers on 9 February 1994, except for Jebari Boujemaa, who was arrested in Tebessa on 25 February. Fears were expressed that they might be sent back to Tunisia, where they would be in danger of being arrested on arrival and tortured.

27. On 29 November 1994 the Special Rapporteur transmitted an urgent appeal on behalf of Abdelkrim Mammeri, head of personnel at the Ministry of Justice, who on 12 November 1994 was arrested at his home in Algiers by four persons, two of whom wore military police uniforms. Members of his family were allegedly ill-treated during his arrest. He was being held incommunicado at an unknown place of detention.

Angola

Information received from the Government with respect to cases included in previous reports

28. On 19 October 1994 the Government replied with respect to the situations of Charles Mopti and Godfrey Absalom Nangonya, whose cases were transmitted to the Government by letter dated 26 August 1993. The reply, however, did not address the allegations of torture raised in those cases.

Argentina

Information transmitted to the Government

29. By letter dated 28 April 1994 the Special Rapporteur advised the Government that he had received information indicating that the torture and ill-treatment of detainees in police stations occurred frequently in the provinces of Corrientes and Chaco. He also transmitted to the Government the individual cases described in the following paragraphs.

30. Antonio Velozo and Luis Gómez were arrested on 20 June 1992 by plainclothes policemen and threatened and severely beaten at the premises of the Investigations Squad. Antonio Velozo was allegedly hung from a ladder while being accused of having made statements implicating the police in the murder of Abel Solís in September 1991. After their release the following day, Antonio Velozo reportedly was diagnosed as having sustained injuries to his testicles. On 28 September 1992 he brought criminal charges. He was murdered on 5 October 1992 by a person who subsequently left the country.

31. Pedro Salvador Aguirre was arrested on 16 February 1993 on a street in Corrientes, taken to the Investigations Squad premises, beaten unconscious and released three hours later without being charged. His case was reported to the Government and the provincial judicial authorities, but the outcome of any investigation was unknown.

32. Carlos Alberto Parodi and Andrés González were allegedly beaten on 11 October 1992 by two policemen on duty at a dance hall in Corrientes. Carlos Alberto Parodi sustained a cut on one ear and shots were fired close to him in the air. He was then taken to police station No. 1, allegedly beaten continuously for hours and threatened with death. A doctor noted the injuries he sustained. After reporting the incident to the press and the judicial authorities, he received anonymous threats.

33. Teodoro Dionisio González was arrested by police in Resistencia, Chaco, on 9 January 1992 on suspicion of theft and taken to police station No. 6, where he was allegedly ill-treated. At the hospital, his mother saw many bruises on his head and face and an open wound on his shoulder. Six months after lodging a complaint with the judicial authorities, he had not been called upon to give a statement.

34. Carlos Alberto Franco and Roberto Ramón Franco were arrested on 3 February 1993 in the 500 Viviendas district in Resistencia, taken to the police station of the Third Precinct and allegedly beaten severely. An examining doctor later found multiple injuries on the arms, back and legs of Roberto Ramón Franco. The case was reported to the Human Rights Commission of the Provincial Chamber of Deputies and to the judicial authorities.

35. Antonio Miguel Fernández, aged 13, was arrested by police on 15 August 1992 in the district of Barranqueras, Resistencia. He was allegedly shot with rubber pellets at close range, causing severe injuries to the thorax. He was then allegedly beaten and, after receiving treatment at

hospital, brought to police station No. 2 of Barranqueras, beaten further and threatened with death if he reported the policemen who had shot him. He was released on 19 August.

36. Sergio de la Cruz Avalos, aged 15, was arrested on 8 September 1993, taken to the police station in Fontana, Chaco, on theft and weapon possession charges, and allegedly beaten repeatedly and given electric shocks during interrogation. He was released some hours later, after being warned not to complain about his treatment.

37. Ruben Horacio Paz, Guido Aníbal de la Cruz Benítez, his wife Marciana Benítez and Hugo Fabián Crespo were arrested by the police in July 1992 in Presidencia Roque Saenz Peña, Chaco, and charged with theft. They were each allegedly beaten and Marciana Benítez was allegedly sexually abused. The case was reported to the Human Rights Commission of the Provisional Chamber of Deputies and to the judicial authorities.

38. Remigio Ledesma was arrested on 3 September 1992 in La Verde, Chaco, for theft of a sheep and taken to the police station in La Escondida. The police allegedly beat him and burned his arms and other parts of his body with cigarettes.

39. Santiago Sánchez and Luis Angel Martínez were summoned to the police station of Presidencia Roca, Chaco, on 11 April 1992 for questioning about a robbery. Santiago Sánchez was allegedly beaten and subjected to electric shocks and Luis Angel Martínez was allegedly beaten and threatened with electric shocks. A judicial investigation reportedly cleared the suspected police officials of involvement in the incident.

40. Isabel Irala, who was pregnant, was arrested at her home in Villa Rio Negro, Resistencia, following a quarrel with neighbours. She was taken to the police station, allegedly beaten and locked for two days in a small room before being transferred to the police station in Fontana. There she fell ill, was taken to hospital, and had her child delivered stillborn. In spite of the bruises found on her body, the cause of the child's death was reported to be unknown.

Observations

41. In the absence of a response from the Government, the Special Rapporteur is disposed to consider that, taken together, the substance of the allegations transmitted in 1994 is well-founded.

Bahrain

Information transmitted to the Government and replies received

42. By letter dated 21 July 1994, the Special Rapporteur transmitted to the Government the cases of alleged torture summarized in the following paragraphs.

43. Mohammed Jamil Al-Jamri, serving a 10-year prison sentence for belonging to an illegal organization, and five other prisoners were allegedly subjected

to torture after the discovery of a small radio in the possession of one of the prisoners and a letter from Mohammed Jamil Al-Jamri to a relative. The prisoners were also allegedly singled out for their participation in a hunger strike to protest ill-treatment in prison. Mohammed Jamil Al-Jamri was observed by family members to be very weak and to have swollen eyes and pain in his limbs.

44. Sayed Alawi Sayed Mohsen Sayed Neamah Al-Alawi was arrested on 21 August 1993 in connection with his role as a leader of the religious centre Maatem Al-Qasab, which had been closed by the authorities. He was transferred to the Al-Qala Intelligence Sector Detention Centre and allegedly subjected to torture, as the result of which he had to be transferred to a government military hospital.

45. On 17 October 1994 the Government replied that torture was prohibited by the Constitution and was a specific crime under the 1976 Penal Code. All prisoners were well treated, their conditions were humane, and they all enjoyed freedom from torture and other cruel, inhuman and degrading treatment. On demand medical assistance was provided for prisoners on a continuous basis by qualified medical staff and prison staff were all properly trained career professionals.

46. The Government also stated that Mohamed Jamil Al-Jamri had not been subjected to torture or ill-treatment of any kind. His medical records revealed that he was occasionally treated for a recurrent ear complaint of which he had a long history. Sayed Alawi Sayed Mohsen Sayed Neamah Al-Alawi was held in ordinary police custody throughout the period of his arrest until his release; there was no evidence that he had been mistreated or subjected to any form of torture and he had not been transferred to any hospital nor was he in need of hospitalization. He was treated by a doctor at his own request for poor vision, of which he claimed to have a long history, insomnia, skin irritation and dyspepsia.

Urgent appeals

47. The Special Rapporteur transmitted three urgent appeals to the Government on behalf of the persons mentioned in the following paragraphs. The date on which the appeals were sent is stated in parenthesis following the corresponding summaries.

48. Mohammad Hassan, 'Abd 'Ali Sengais, 'Ali Said Ja'far 'Alawi Shabib, 'Abbas Hamid Mohammad 'Ali, 'Isa 'Abd 'Ali 'Abd al-Hadi Muhsin, Faisal Shakhouri, Hassan Ahmed al-'Ikri, Ridha Jawad, Hussein Mansour, 'Abbas Ahmed Jassim, Ra'ed al-Khawaja, Mohammad Mansour al-Mahari, Mohammad al-Sayrafi, and Mansour al-'Ikri, were among a group of members of the Shi'a community arrested in Manama on 19 January 1994 while gathered peacefully at al-Mu'min mosque for a ceremony commemorating the death of Ayatollah Golpayegani. Some persons were allegedly beaten at the time of their arrest and it was reported that they were being held in incommunicado detention at an unknown place (26 January 1994).

49. The following prisoners, convicted of politically motivated crimes and held at Jaw prison No. 1, were allegedly transferred to Al-Qala prison and

tortured after Security and Intelligence Service officers found a radio during an inspection of their cells: Mohammed Jamil Al-Jamri, Abdul-Jalil Khalil Ibrahim, Seyyid Ja'afer Al-Alawi, Ali Ahmed Jassim Al-Dayri and Nabeel Baqir. The Special Rapporteur subsequently transmitted to the Government specific allegations regarding the treatment of Mohammed Jamil Al-Jamri in his letter of 21 July 1994, as described along with the Government's reply above (20 April 1994).

50. Al-Shaikh 'Ali Salman and Ibrahim Hassan were among a number of persons arrested on 5 December 1994 after many Bahraini nationals had signed a petition initiated by 14 well-known figures calling on the Amir of Bahrain to reinstate the parliament. They were reportedly being held in Al-Qala prison (12 December 1994).

Bangladesh

51. By letter dated 11 July 1994 the Special Rapporteur informed the Government that he had continued to receive reports of torture and rape by members of the military and paramilitary forces against tribal people in the Chittagong Hill Tracts, including the two cases described in the following paragraphs.

52. Prem Kumar Chakma was arrested during a military campaign against Jhum cultivators of the Bara Pilak Hills by the 8th Engineering Corps of the Guimara zone and the soldiers of the Sinhukchari and Dharmaghat army camps in No. 23 Mahalchari sub-zone. He was allegedly beaten severely, taken to a military camp and tortured. His torture was said to include electric shocks to his ears, which caused him to become deaf.

53. Gyang Mrasa Marma, a 20-year-old Jumma woman from the Ramgarh area, was grazing cows on 26 August 1993 in a field near the No. 2 check-point at the Jalia Para police camp, when a constable on duty at the check-point allegedly attacked and raped her in the field.

54. The Special Rapporteur also informed the Government that he had received reports according to which children living on the streets in Dhaka were regularly picked up by police and beaten, ill-treated, and sometimes sexually abused in custody. Child prisoners were said to be held together with adult prisoners.

55. In one reported case, Mohammad Shawkat, aged 13, was seized by two constables on 28 July 1993 and allegedly sexually assaulted in a nearby field. The next day it was confirmed at Dhaka Medical College Hospital that he had been sexually assaulted and that the assault had caused injury and infection to his rectum. The two constables were suspended, but no charges were brought against them. Mohammad Shawkat disappeared from the hospital, possibly because he feared retribution from the police if he followed up on the case.

56. The Special Rapporteur further informed the Government that he had received allegations indicating that Rohingya Muslim refugees from Myanmar living in camps around Cox's Bazaar had been subjected to ill-treatment from local police and the paramilitary Ansar forces in order to coerce the refugees into returning to Myanmar through participation in a voluntary repatriation

programme. The forms of abuse included beatings on the soles of the feet, wet bags over the head to simulate suffocation, enforced sitting or standing in one position for hours and at least one case of rape.

57. By the same letter the Special Rapporteur reminded the Government of a number of cases transmitted in 1993 regarding which no reply had been received.

Belgium

Urgent appeals transmitted and replies received

58. The Special Rapporteur sent an urgent appeal to the Government on 18 March 1994 concerning two Zairian nationals who were under medical and psychotherapeutic treatment in Belgium and had received or were about to receive orders to leave the country. Mrs. Annette Eyambo was reportedly arrested on 16 April 1992 after having taken part in a working women's march in Kinshasa. She was allegedly beaten, then imprisoned and severely tortured and raped. After two weeks she escaped and a few months later arrived in Belgium. Mrs. Manni Ifeka was reportedly arrested in Kinshasa on 16 February 1992 while participating in a Christians for Peace march. She spent eight months in detention, during which time she was severely tortured and raped, as a result of which she became pregnant. Fears were expressed that the two women would be in danger of arrest and torture if they were sent back to their country of origin.

59. On 9 August 1994 the Government replied that refugee status in Belgium was granted to asylum seekers who met the requirements set forth in article 1 (2) of the Convention relating to the Status of Refugees. As a general matter, when doubt existed in the case of an asylum seeker, refugee status was usually granted. In the case of Ifeka Mesongolo Mamie, the Commissioner General making a decision on the merits of her asyum claim transmitted an unfavourable opinion based on a number of factors: that a person claiming to have been imprisoned for seven months should be able to describe the place of imprisonment; that someone participating in a political demonstration should be able to give reasons for doing so; and that reason existed to believe that Ifeka Mamie was in fact a person of another name born in Belgium, not Zaire. As to the case of Eyambe Lomani, the Commissioner General transmitted an unfavourable opinion based on inconsistencies and lack of truthfulness in her story, including her placing the demonstration two months after it took place.

60. The Government also stated that it did not deny that the two women had been the victims of sexual abuse, but that the conditions under which that abuse had occurred did not make it possible to grant them asylum status. For compelling reasons such as state of health and the need to continue treatment in Belgium, the order to leave the territory issued to Mrs. Lomani was extended for six months.

Bolivia

Information transmitted to the Government

61. By letter dated 3 May 1994 the Special Rapporteur advised the Government that he had received information concerning cases of torture reported to have occurred in the country. These cases are described in the following paragraphs.

62. Juan Carlos Octavio Pinto Quintanilla was arrested on 13 April 1992 by members of the security forces in Cochabamba on charges of belonging to the Tupac Katari guerilla army (EGTK). He was taken to a "safe house" where he was allegedly hung up by his feet and beaten on the soles of his feet with a metallic rod for half-hour periods, after which he was forced to run. He was also allegedly suffocated with a plastic bag, beaten, deprived of sleep for three days and subjected to a torture method known as "la campana" (the bell), by which a metallic container was placed over his head and struck repeatedly.

63. Silvia María Renée De Alarcón and her husband José Raúl García Linera were arrested on 9 March 1992 in La Paz by security agents on suspicion of belonging to the EGTK. During 17 hours in incommunicado detention they were allegedly tortured, which included being beaten and forced to remain for hours in a contorted position.

Follow-up of cases previously transmitted

64. With respect to the alleged ill-treatment in April 1992 of Alvaro García Linera, Raquel Gutiérrez de García, Víctor Ortíz and Macario Tola (E/CN.4/1994/31, paras. 52-54), the Special Rapporteur informed the Government that recently received information reinforced the claim that these persons had been tortured. In the case of Raquel Gutiérrez de García, it was reported that she had attempted to electrocute herself; however, the burns on her body were in fact caused by electric shocks inflicted during the torture sessions.

Urgent appeals

65. The Special Rapporteur sent an urgent appeal to the Government on 26 September 1994 on behalf of Marcela Alejandra Porco, an Argentine national, who was reportedly detained on 2 June 1994 at Viru Viru airport, accused of drug trafficking. She was held incommunicado at the Palmasola Women's Prison in Santa Cruz, without access to the medical treatment necessary to treat her chronic mental illness, and her health was said to have had deteriorated considerably in the following months.

Brazil

Information transmitted to the Government

66. By letter dated 26 October 1994 the Special Rapporteur transmitted to the Government the cases summarized in the following paragraphs.

67. Manoel Delfino Felix da Silva, Osvaldo Duarte da Silva, and Valdemir Alves da Silva were among five *lavradores* detained on 23 and 24 January 1994 by military and civil police officers from Couto Magalhaes, Tocantins State, in connection with the killing of a local councillor in a conflict over land tenure. They were taken to Couto Magalhaes police station where they were allegedly beaten and severely bruised. Valdemir Alves da Silva was also said to have been taken to a nearby stream where his head was submerged in water until he nearly drowned. Manoel Delfino Felix da Silva was taken to hospital, where a doctor reportedly diagnosed his bruises to be consistent with heavy blows to his upper body.

68. Josemar Cantuario de Oliveira was detained on 26 January 1994 in Coneiçao do Araguaia, Pará State, by members of the civil police on the same grounds as the aforementioned persons. He was allegedly severely beaten and subjected to other forms of torture at the Guarai police station in Tocantins. He was also said to have been denied proper medical attention for a bullet wound to his leg.

69. Antônio Ferreira Braga was reportedly tortured on 12 April 1993 in the police station in Fortaleza, Ceará State. He was allegedly partially asphyxiated by having the rubber inner tube of a car tyre placed over his face and was also beaten with a wooden baton while wrapped in a roll of carpet to prevent exterior bruising. A local Bar Association commission of inquiry was said to have discovered the torture and to have come across a stock of torture instruments while visiting the police station.

70. The Special Rapporteur also advised the Government that he had received information according to which street children and educators working to assist such children had been the targets of street violence in São Paulo. On 12 December 1993, educators Jonathan Luke Hannay and Jonas Beltrão de Oliveira were trying to mediate in a confrontation between children and military police. A police officer allegedly hit Rosângela, a 16-year-old girl, over the head with a gun and another officer allegedly hit Jonathan Hannay in the stomach with a piece of wood. Some of the street traders in the area then reportedly began to beat Jonas Beltrão on the neck with a piece of wood. When he asked the police for help, the officer in command allegedly responded that he would do "nothing" and ordered his men out of the square. The two educators were then punched, kicked and beaten by members of the crowd before the police eventually told the crowd to disperse. Jonas Beltrão was said to be semi-conscious with blood coming out of his ear and a large wound on the back of his neck. He received emergency treatment for a concussion and a perforated eardrum.

Urgent appeals

71. The Special Rapporteur sent an urgent appeal to the Government on 29 March 1994 on behalf of Francisco de Asis Pinto do Nascimento, leader of the rural workers of Eldorado do Carajás, Salvador Murao de Souza, Estevão Alberto Rocha da Silva, Manoel Privado, Francisco Sousa Lacerdo, Alziro José Ferreira, Raimundo Francisco do Nascimento, Raimundo Pereira da Silva, Lindomar Gomes, and Francisco dos Reis dos Santos Chaves. These rural workers and three minors were arrested on 21 March 1994 during an operation conducted by approximately 50 military police in Agua-Fría and

Pedra Furada, Eldorado do Carajás, in Pará. They were taken to the regional police station in Marabá where Francisco de Apsis Pinto do Nascimento, Salvador Murao de Souza and Estevão Alberto Rocha da Silva were allegedly beaten. Fears were expressed that all of the detainees might be subjected to torture or ill-treatment.

72. The Special Rapporteur also sent an urgent appeal on 2 December 1994 on behalf of Carlos Eduardo Rodrigues da Silva, Ismael Soares Rodrigues and Wanderlei Batista, who were detained in the *favela* Borel, Rio de Janeiro, taken to a parish church and allegedly tortured, including with electric shocks. The ill-treatment was said to have occurred between 25 and 28 November 1994, when more than 1,000 soldiers and police personnel reportedly occupied the area as part of an anti-drug operation. It was feared that other persons would be detained and similarly ill-treated during the operation.

Observations

73. The Special Rapporteur acknowledges the limited time available to the Government of Brazil for response.

Bulgaria

Information transmitted to the Government and replies received

74. By letter dated 20 April 1994 the Special Rapporteur informed the Government that he had received information concerning Slavi Atanasov Minchev, Denko Angelov Atanasov and Milko Raikov Lolev, who were among a group of nine Roma men arrested on 23 June 1993 by armed guards and police officers while picking cherries in an orchard outside Stara Zagora. They were allegedly beaten indiscriminately with truncheons, fists and boots, taken to the Stara Zagora agricultural cooperative and again beaten severely.

75. On 10 November 1994 the Government replied that the three men had been picking cherries without permission. They were charged with committing administrative offences at the agricultural cooperative office and released. An inquiry carried out by the Ministry of the Interior revealed that they had not been beaten by the armed guards of the agricultural cooperative nor by the police patrol. Investigations have been opened by the Regional Police Department of Stara Zagora and the Regional Military Prosecutor of the city of Plovdiv pursuant to a complaint by Slavi Atanasov Minchev.

Information transmitted by the Government with respect to cases included in previous reports

76. On 22 December 1993 and 16 February 1994 the Government transmitted its reply with respect to the cases which had been transmitted by the Special Rapporteur on 26 August 1993. Those replies are summarized in the following paragraphs.

77. In regard to the allegations of excessive force used by the police against Roma persons in Pazardjik on 28 June 1992, the Government replied that after a person armed with a knife had attempted to assault a guard, police

patrols arrived to apprehend the suspect. A large crowd gathered and began throwing objects at the police. Believing that his life and the life of a colleague were endangered, the senior sergeant, Nedelcho Naidenov, shot Nedelcho Anguelov Ianev. A charge was registered against the sergeant at the Regional Military Prosecutor's Office. The source subsequently informed the Special Rapporteur that it was unclear as to whether any investigation had occurred into allegations of indiscriminate beatings during the incident. The source also reported that government representatives had not acknowledged that any ill-treatment of Roma by police in Pazardjik had occurred, even though the initial information concerning the incident had been compiled by ethnic minority experts working for the President of the Republic.

78. In regard to alleged excessive use of police force in Novi Pazar, the Government replied that on 5 April 1993, the police had undertaken an operation to catch a large number of persons who had been in hiding or had failed to appear before the examining magistrate after being summoned. No person detained in the operation had complained of being beaten and no signs of violence had been discovered.

79. With respect to the alleged ill-treatment of 14-year-old Anton Stefanov Assenov, the Government replied that the allegations had not been substantiated. A police officer on duty had apprehended him at the bus station after observing him gambling and had taken him to the bureau of traffic control, whereupon Anton Assenov's father entered the room and started to beat his son. The senior sergeant warned the father to stop the beating, but when he failed to comply the sergeant was forced to take both father and son to the police station. A complaint was lodged at the Regional Military Prosecutor's Office in Varna by Anton Assenov's parents against police officials for the beating of their son, but the Deputy Regional Prosecutor has issued a decree by which it refused to initiate legal proceedings. The source of the information subsequently reported to the Special Rapporteur that the decision not to prosecute had been based solely on the testimony of the police officers allegedly involved in the beating and that the appeal to the Chief Military Prosecutor had been rejected without a review of all the evidence, including the testimony of the victims.

80. With regard to the alleged ill-treatment of Hristo Nedialkov Hristov, resulting in the removal of a kidney and a lung, the Government replied that he had been detained after fleeing from police. After he had ignored oral warnings and a warning shot and after he had resisted arrest with a knife, the police resorted to force to subdue him. During examination at the Regional Hospital Hristov, in the presence of the examining doctor, admitted that his beatings had been inflicted by "his own people" in the "Lozenets" quarter of Stara Zagora. Thus, his physical injuries were determined to have originated from unknown individuals. The source of the allegations subsequently informed the Special Rapporteur that it was concerned that police investigating the case had not interviewed witnesses who saw Hristov before he was taken to the police station and had not taken testimony from local human rights activists who after visiting him in hospital alleged that doctors and other medical staff had been intimidated by local police.

Burundi

Urgent appeals

81. On 9 May 1994 the Special Rapporteur sent an urgent appeal to the Government concerning Emile Bucumi, Sadiki Likango, Joseph Nyandwi, Sadiki Ndikumana, Théogène Uwlmana, Pontien Ndayegamiye, Pierre Nzisabira, Jean-Marie Nibirantije and Alexandre Manirakiza. These men were among about 27 persons reportedly arrested on 29 April 1994 during an operation carried out by security forces with the aim of disarming the civilian population in the Kamenge district of Bujumbura. They were taken to the National Police College, and then to the Special Search Squad, where they were allegedly severely beaten and subjected to other forms of torture.

Cameroon

Information transmitted to the Government and replies received

82. By letter dated 20 April 1994, the Special Rapporteur advised the Government that he had received information on the cases of torture described in the following paragraphs.

83. Peter Ndoh was arrested by police at his home in Bamenda on 1 August 1993 and accused of illegal possession of firearms. While in incommunicado detention in Douala he was allegedly tied to a suspended tyre and beaten, resulting in a broken shoulder blade and several other injuries, including to the fingers of his left hand. After initially being denied medical treatment, he was admitted to hospital at the end of August 1993.

84. Cyprian Ndifor Tanwie, a secretary of the Calasanz People's Cultural and Pastoral Centre at the Catholic Mission in Nkwen, and his friend, Peter Achu, were arrested on 15 December 1993 by gendarmes and taken to Bamenda gendarme headquarters. Cyprian Ndifo Tanwie allegedly died the night of his arrest as the result of injuries sustained during severe beatings. Peter Achu was allegedly hit 13 times on the soles of his feet with a rubber truncheon.

85. By the same letter the Special Rapporteur reminded the Government of a number of cases transmitted in 1993 regarding which no reply had been received.

Observations

86. The Special Rapporteur sought an invitation to visit Cameroon in 1993 and subsequently had talks with the Permanent Mission to the United Nations Office at Geneva that seemed to hold out the prospect of a visit. Further contacts with the Permanent Mission have yielded no invitation. In the absence of a response from the Government, the Special Rapporteur is disposed to consider that the substance of the allegations transmitted in 1993 and 1994 is well-founded.

Chile

87. Late in the year, substantial documentation arrived in the Centre for Human Rights containing information alleging numerous cases of torture in Chile. It was not possible to process this information with a view to transmitting it to the Government before the present report was finalized. It was, however, consistent with information summarized in previous reports. A resumé of the allegations will be transmitted to the Government in the coming year.

Observations

88. In light of the above, the Special Rapporteur confines himself to drawing attention to the concern expressed by the Committee against Torture at its thirteenth session on its examination of Chile's second periodic report at the existence of a considerable number of allegations of torture and ill-treatment committed by various security forces, especially the carabineros and investigations police.

China

Information transmitted to the Government and replies received

89. By letter dated 15 July 1994 the Special Rapporteur advised the Government that he had received information according to which the practice of torture and other forms of inhuman and degrading treatment against persons held in detention centres, prisons or labour camps throughout China continued, despite the prohibition of such treatment under Chinese law. The practice was said to be employed as a means to extract confessions or to intimidate or punish prisoners.

90. To register a complaint of torture during incommunicado detention, police and prison officials must be approached, and this requirement was said to dissuade most detainees and prisoners from making such complaints. While the procuracy is responsible for investigating complaints concerning torture, it was alleged that procurators often ignored such complaints because an investigation might pose a conflict of interest with the procurator's role as State prosecutor in criminal cases. In this regard, it was said that the need for the procurators to cooperate closely with the police served as a disincentive to investigate torture complaints. Consequently, few investigations or prosecutions of torture complaints were said to have been carried out.

91. Among the most common methods of torture reported were severe beatings or whippings, the use of cattle prods to induce electrical shock, and shackling with handcuffs or leg-irons, often tightly and with the victim's body in a painful position. In those prisons which also serve as labour camps, working conditions were reportedly physically gruelling and at times posed a threat to the health and safety of the prisoners. Persons detained for political reasons were reportedly subjected to especially brutal treatment.

92. Hanyang prison in Hubei province was said to hold, in poor conditions, numerous persons detained for political reasons. Prisoners were said to

receive inadequate food and medical attention and to be subjected to strenuous forced labour and to various forms of physical abuse. Violation of prison regulations allegedly were frequently met with severe punishment, such as the shackling of the prisoner's hands behind the back. Many prisoners were reported to be ill or malnourished.

93. Labour conditions at Hanyang were also reported be be extremely harsh. Newly arrived persons detained for political reasons were said to be kicked and beaten by overseers for minor mistakes in their work. In the eighth brigade, where prisoners produce polythene products, prisoners allegedly were forced to stand amongst toxic gases and dust, their hands protected only by rubber gloves, and turn plastic products over a 180° flame. The prisoners, many of whose hands were said to be covered with blisters, reportedly worked more than eight hours a day and often at night in extreme temperatures.

94. The Special Rapporteur also transmitted the individual cases summarized in the following paragraphs and on 4 November 1994 the Government sent replies in respect of some of those cases.

95. Shi Hanlin, who was seriously ill before his imprisonment, was allegedly subjected to long working hours in the Hanyang prison factory and was beaten severely. He was said to have collapsed on a workbench and to suffer from oedema, but was denied medical treatment. Prison authorities reportedly contended that he was feigning illness to avoid working.

96. The Government replied that Shi Hanlin had completed his sentence and been released, having suffered no torture or mistreatment in prison.

97. Sun Sanbao, Jiang Pinchao, Lin Zhiyong, Feng Haiguang, and Lu Xiangwen were reportedly ill-treated in August 1991 as a result of activities in protest at working conditions and treatment of prisoners at Hanyang. On 20 August, Sun Sanbao, despite being seriously ill, was forced to work as a machine operator, allegedly as a reprisal for protesting against the mistreatment of prisoner Lu Xiangwen. The following day, Sun Sanbao was reportedly put in solitary confinement for "resisting reform through labour". Jiang Pinchao and Lin Zhiyong, refusing to work in protest against the treatment of Sun Sanbao, were allegedly beaten on the back and legs with police whips and electric batons for four hours and then forced to stand with their arms raised against a wall for three hours. After collapsing, they were allegedly dragged by the hands along the ground, causing Jiang Pinchao's toenails to split, were shackled and placed in solitary confinement in a cage. On 22 August, Feng Haiguang, after protesting to the guard overseeing his work, was allegedly beaten for eight hours, causing his legs to swell, making it impossible to walk or sit up straight. He was thereafter put in solitary confinement and subjected to further beatings with whips and electric batons, resulting in over 30 separate wounds. After the incidents, the five prisoners were reportedly locked for three months in cold "punishment cells", kept malnourished, periodically tortured and ordered to perform hard labour, which included carrying at least 10,000 bricks each day.

98. The Government replied that Jiang Pinchao, Lin Zhiyon, and Feng Haiguang had completed their sentences and been released, having suffered no torture or mistreatment in prison. As to Sun Sunbao, while serving his sentence he

developed eczema, received hospital treatment, and fully recovered. He had expressed satisfaction and gratitude for the prison's conscientiousness, prompt provision of medical care and humane treatment of him while he was sick.

99. The Special Rapporteur also transmitted reports he had received of persons detained in a psychiatric hospital for political reasons, where no medical justification was said to exist for their detention. The cases summarized in the following paragraphs concern persons detained at An Kang Public Security Bureau Hospital in Beijing.

100. Wang Anxing was arrested on 3 June 1992 while attempting to unfurl a banner commemorating the June 1989 demonstrations at Tiananmen Square. He was transferred to An Kang in July 1992, where he was allegedly administered medicine that kept him drowsy and weak. Although he was said to have no psychiatric problems, his wife signed documents confirming that he did, after being pressured to do so and being assured that this would lead to her husband's early release.

101. The Government replied that the correct spelling of the name of the person mentioned above is Wang Wanxing. An Kang hospital's psychological appraisals unit had determined that he was suffering from paranoia, that some of his actions were governed by wishful thinking, that he had lost his normal capacity for recognition and was irresponsible. He was continuing to undergo treatment at the hospital.

102. Wang Miaogen was reportedly arrested in April 1993 by police in Shanghai, repeatedly beaten, and for no known medical reason committed to An Kang, where he was not allowed visitors. It was said that he had been arrested in connection with activities as leader of the Shanghai Workers Autonomous Federation during the 1989 political movements and to prevent him from demonstrating while the 1993 East Asian Games were in progress.

103. According to the Government, Wang Miaogen had been yelling incoherently and disturbing the peace of his neighbourhood on 27 December 1992. At the local police station, he continued to rave, injured four of his fingers with a knife and had to be taken to hospital for treatment. For some time thereafter he continued to behave disruptively each night. Since he had no relatives in Shanghai, neighbourhood residents wrote to the Shanghai Public Security Bureau in April 1993 to seek help in dealing with him. The local police station, in collaboration with the neighbourhood committee, sent him to the Huangpu District Psychiatric Hospital, where he was found to be displaying symptoms of psychosis. Further tests revealed schizophrenia and paranoia. On 11 May he was transferred to An Kang, where he was continuing to receive treatment.

104. Xing Jiandong was arrested by police on 7 September 1993 in connection with a peaceful demonstration outside the Australian Consulate and transferred to An Kang. His family allegedly were provided with no medical evidence attesting to his illness, but they were pressured to sign documents consenting to his detention.

105. The Government replied that Xing Jiandong had created a public disturbance outside the Consulate-General of Australia and, after repeated

admonitions, the Suhui branch office imposed a seven-day administrative detention on Xing, which was upheld on 18 May 1993 by the Municipal Public Security Bureau. His demonstration at the consulate was connected to an action he had brought against the Australian Consulate-General for a severe beating he had received while in detention in Australia after his student visa had expired and his request for political asylum had been denied. On 27 August he went again to the Australian Consulate and created a disturbance which affected public order and traffic. On 7 September the Suhui branch office again ordered him to serve a seven-day administrative detention. An examination of his injuries caused by the beating he had received in Australia revealed that a brain injury had led to mental impairment. He was transferred to An Kang for treatment and has since recovered and left the hospital in normal health.

106. The Special Rapporteur also sent the cases of alleged torture in Tibet summarized in the following paragraphs.

107. Phuntsog Yangki, a nun reportedly serving a five-year sentence in Drapchi prison for participating in a pro-independence demonstration, was allegedly beaten severely for singing nationalist songs with other nuns on 11 February 1994. She died in the Police Hospital in Lhasa on 4 June 1994, allegedly as a result of the beatings. An investigation that would conclusively establish the cause of death was impossible as her body was cremated, against the wishes of her family.

108. The Government replied that in May 1994 the prison administration had discovered that Phungstog Yangki had tuberculoma and sent her to hospital for treatment. After her death, the prison had arranged for her remains to be taken for burial in accordance with Tibetan custom. Her family had expressed its gratitude to the prison for the way it had cared for and tried to save her and its handling of subsequent events.

109. Gendun, his brother Tobgyal, Tse Tse, Tsetob, Apho, and Tenzin were arrested at the Bu Gon monastery in Dragyab (Chagyap) on 9 February 1994, during the Lokhor Gonchoe Chemoe festival. The detainees were allegedly placed on trial at a rally called by officials, at which they were promised that if they declared that "Tibet is not independent", they would receive no punishment. Upon refusing to make the declaration, they were reportedly separated and taken either to a prison in Chamdo or to the district prison at Dragyab, where they were allegedly tortured with electric cattle prods. Tenzin and Tobgyal were said to have been released, but the other detainees were reportedly continuing to undergo ill-treatment in prison.

110. Lhadar, a monk from Darze Tibetan Autonomous Prefecture, was reportedly arrested with four other monks on 20 August 1993 for hanging pro-independence wall posters in Lithang region. He was allegedly beaten and tortured to death at Lithang district prison, although the authorities reportedly maintained that he had committed suicide in custody.

111. Sonam Tsering, a member of the Tsholho Dance and Drama Troup, was detained on 17 July 1993 by Chinese officials who were investigating the distribution of protest pamphlets. After refusing to respond to interrogation at the police station, he was allegedly made to sit naked on a chair on his

knees with his hands cuffed behind his back, had electric shocks applied to his face, neck, hands, legs, and lower back, and was beaten. During 10 days of detention, he was subjected to a three-hour interrogation session each day, with beatings and electric shocks during six of the sessions.

112. Deng Ge, a teacher, Hong Ke and Meng Sha, mid-level Tibetan officials, and an unidentified monk were reportedly severely beaten with a spiked wooden implement at the police station in Markham, Chamdu prefecture, Kham. The four were arrested after Deng Ge had tried to intervene when the other three were being beaten by police with fists, feet, iron bars and bricks outside a cinema in Markham. Deng Ge reportedly passed out and required hospitalization.

113. June Lhapka, a primary school teacher from Nemo village, was allegedly beaten during or shortly after her arrest on 21 June 1993 and was said to have been in a serious condition.

114. Rigzin Choedron, also called Kunsan Choekyi, was arrested on 22 September 1989 during a political demonstration in Lhasa and allegedly beaten in Gutsa detention centre, resulting in kidney damage. After spending three years in Trisam Labour Re-education Centre, she was released in September 1992 with wounds and abscesses on her back and damage to one kidney. She died on 10 October 1992, possibly as a result of ill-treatment suffered in detention.

115. The following persons, detained for political reasons in Drapchi prison, Lhasa, were reported to suffer from serious illness as a result of or exacerbated by mistreatment or heavy physical labour performed in prison:

(a) Ngawand Kunga, a monk from Drepung, who was allegedly forced to run with a stone on his back in 1990 or 1991, was said to suffer from liver problems. According to the Government he had completed his sentence and been released;

(b) Phuntsog Dorje was said to suffer from kidney problems as a result of heavy labour. According to the Government, he was in good health;

(c) Lobsang Tsondru, a monk in his 70s, was allegedly beaten by troops during an April 1991 prison protest, and was said to suffer from heart trouble. The Government replied that he was in normal health;

(d) Ngawang Samten, a monk from Drepung, was said to suffer from swollen joints as a result of hard labour. The Government replied that no such person was a prisoner in Drapchi;

(e) Tsering was said to have become deaf as a result of a severe beating. According to the Government he was in good health;

(f) Tanak Jigme Sangpo, who had allegedly been put in solitary confinement in a cold cell in 1991 and 1992 after a protest, was said to suffer from high blood pressure.

116. Reports were also received concerning the situation of Bao Tong, serving a seven year prison sentence for 1989 political activities, who was

transferred in March 1994 from Qincheng prison to Fuxing hospital in Beijing after suffering from severe pain from inflammation of the shoulder joints. He was also said to suffer from a reduced white blood cell count, chronic gastritis, growths in his colon and intestines, swollen lymph nodes, constricted salivary glands and arthritis requiring regular injections, and six possibly cancerous tumours in his thyroid gland. His family were allegedly denied access to his medical records and were concerned that he was not receiving adequate medical care.

117. The Government replied that prison authorities had guaranteed the rights of Bao Tao and when he fell ill had provided the necessary medical care. His medical condition was basically stable and his physical condition was normal.

118. By the same letter the Special Rapporteur reminded the Government of a number of cases transmitted in 1993 regarding which the Government had replied that official investigations were pending.

Urgent appeals

119. In addition to the above-mentioned cases, the Special Rapporteur transmitted to the Government of China five urgent appeals on behalf of the persons mentioned in the following paragraphs. The date on which the appeals were sent is stated in parentheses at the end of the corresponding summary.

120. Phuntsog Gyaltsen, a Buddhist monk serving a 12 year prison sentence in Drapchi prison in Lhasa, was reportedly seriously ill and incapacitated, suffering from liver and stomach ailments as a result of sustained beatings received in prison. Despite the state of his health, he was allegedly being forced to perform prison labour, such as digging, emptying toilets and cultivating vegetables. He was said to be in need of urgent medical attention (15 June 1994).

121. On 7 September 1994 the Government replied with respect to this case that no person named Phuntsog Hyaltsen was being held in prison. The Government also stated that prisons in the Tibet Autonomous Region did not practise torture and that the guards respect the legitimate rights of prisoners and always accord them humanitarian treatment.

122. Ulaanshuvu (Wulan Shaobu), a former lecturer at Inner Mongolia University, detained in the Yikezhao No. 5 prison (Ih Ju League No. 5 prison), was reportedly suffering from a deteriorating condition in his one remaining kidney, heart problems and trouble with his feet and back. He was allegedly being denied medical treatment for his ailments, was not receiving adequate food, and had lost a substantial amount of weight (29 August 1994).

123. On 8 October the Government replied that Ulaanshuvu was receiving the same humane treatment and medical care as other offenders and had never been subjected to mistreatment. He was in sound physical health and a hospital check-up revealed that his kidneys and heart were healthy.

124. Qin Yongmin, serving an administrative sentence at Hewan Re-education-through-Labour camp in Wuhan City, Hubei province, was reportedly beaten severely by prison guards and a fellow inmate on 8 June 1994, allegedly at the

instigation of higher officials, after he had taken legal action against the police in Wuhan in connection with his detention. A few days after his family visited him in mid-July and requested that medical treatment be provided for his injuries, he was allegedly beaten unconscious and did not see a doctor until late July. The doctor reported that his testicles had been permanently damaged and that he was suffering from internal bleeding. Despite reportedly being covered with bruises and too weak to stand, he was denied the necessary medical treatment for his injuries (31 August 1994).

125. On 17 October the Government replied that no guard had inflicted corporal punishment on Qin or mistreated him while in the re-education-through-labour facility, but that he had engaged in a conflict with other inmates which was stopped by the guards; Qin was uninjured. The allegations that he had been viciously beaten and had suffered serious wounds were made by his former wife who had later apologized for making untrue statements. Qin was in good health and his relations with the other inmates had improved somewhat.

126. Zhang Lin, a political activist detained at the Nanhu labour camp in Anhui province, was allegedly punched and kicked repeatedly and subjected to shocks with an electric baton on 1 November 1994. This treatment was allegedly inflicted because he was unable to perform work due to constant pain in his hands and feet, a condition for which he had reportedly requested and been refused medical treatment on 10 occasions (28 November 1994).

127. Go Yu, a journalist, was reportedly sentenced to six years' imprisonment on 11 November 1994 for "leaking State secrets". She was said to suffer from heart disease and, despite repeated pleas from her husband to the governors of the Beijing State Security Bureau Detention Centre, she was allegedly being denied medication for that ailment (30 November 1994).

Observations

128. The Special Rapporteur appreciates the replies the Government has provided in respect of some of the cases. He notes the absence of replies in respect of others and the absence of information on pending investigations. He also finds that where some of the replies contradict the allegations, the Government has not explained the nature of the investigation on the basis of which its position has been reached, nor has it provided material to document the assertions made. Accordingly, the observations he made in his previous report (E/CN.4/1194/31, para. 172) remain applicable.

Colombia

Information transmitted to the Government

129. By letter dated 29 March 1994 the Special Rapporteur advised the Government that he had received information on the cases of torture reported described in the following paragraphs.

130. Ramón Alirio Pérez Vargas was arrested on 2 November 1993 in Cúcuta, North Santander, by members of the third division of the Maza Mechanized Unit, who accused him of having links with the guerrillas. He was allegedly tortured for several days, which included beatings, death threats, and

immersion of his head in water. Also detained was Nelson Emilio Ortega, who had allegedly previously been tortured at the San Cayetano, Urimaco police station, including by having his testicles burned and pierced. Ramón Pérez Vargas also reportedly witnessed the torture of Gerardo Lievano Garcia, whose burnt body was later found on the road. After he reported his ordeal, military personnel allegedly raided the house of Ramón Pérez Vargas and threatened him, forcing him to change his place of residence.

131. José Oliver Rincón Guillén and Jesus Gabriel Pinzón were allegedly tortured by members of mobile unit No. 2 of the national army, who raided their homes in Potrero Grande, San Calixto, North Santander on 11 May 1993. They were allegedly beaten, hung from the ceiling, nearly suffocated and subjected to electric shocks on several parts of their bodies. Later, the same soldiers reportedly raided the house of Eduardo Rincón Guillén, José Oliver's brother, tied his hands and feet, nearly suffocated him, and beat him all over his body in front of his wife and two small children. The cases were reported to the Regional Procurator of Ocaña.

132. Luis Francisco Rodriguez was allegedly tortured by members of a mobile unit of the national army in Chispas, Puerto Rico, Meta on 4 August 1993. During interrogation concerning the presence of the guerrillas in the area, he was allegedly severely beaten, had his nose blocked up and water poured into his mouth, was nearly suffocated, and was subjected to mock executions. His son Alirio was allegedly forced to drink water from a puddle and both men were forced to sign a document that stated that they had been well treated before they were released.

133. The Special Rapporteur received additional reports that on 5 October 1993 soldiers of the Palace Battalion in Riofrio, Valle executed the following persons: Miguel Ladino, Miguel Antonio Ladino, Julio César Ladino, Maria Zeneida Ladino, Carmen Emilia Ladino, Lucelly Colorado de Ladino (aged 16), Dora Estela Gaviria Ladino (aged 15), Mario Molina, Rita Edilia Suaza de Molina, Ricardo Molina, John Fredy Molina (aged 16), Luz Edelsi Tusarma (aged 16) and Hugo Cedeño Lozano. They allegedly had been tortured and five of the women were raped.

Urgent appeals transmitted and replies received

134. The Special Rapporteur sent an urgent appeal to the Government on 10 May 1994 on behalf of Luis Téllez, a member of the Human Rights Committee of Ciudad Bolivar, and Ayda Martínez Nieto, who were arrested on 1 May 1994 in Bogotá while taking part in a march organized by human rights organizations. They were allegedly interrogated and severely beaten at the premises of the Judicial and Investigative Police Section (SIJIN). Luis Téllez allegedly had water forced up his nostrils until he almost suffocated. They were reportedly released only after being compelled to sign a statement that they had been well treated. Eduardo Carreño Wilches of the Lawyers' Association, Carlos Alberto Ruiz, of the Inter-American Legal Services Association, and Esteban Cancelado, head of the National Commission of Human Rights and Solidarity with Displaced Persons (CONADES) were allegedly under surveillance by persons suspected of belonging to the security forces.

Members of the SIJIN who interrogated Luis Téllez and Ayda Martínez were said to have referred to some of those under surveillance. Fears were expressed that these persons would also be arrested and tortured.

135. On 15 November 1994 the Government replied that an internal disciplinary investigation had been carried out by the police, as a result of which those allegedly responsible were exonerated.

136. The Special Rapporteur transmitted another urgent appeal on 18 May 1994 on behalf of Darío de Jesús Mejía and Father Ricardo Mates, a director of the Regional Committee for the Defence of Human Rights (CREDHOS). On 18 April 1994 soldiers of the Los Communeros military base had reportedly destroyed the home of Mr. Mejía in Bostón, Barrancabermeja. Mr. Mejía had been detained, tortured and forced to sign a statement accusing Father Mates of collaboration with the guerrillas. Father Mates had previously received threats from the military. Under these circumstances, fears were expressed that he might be detained and subjected to torture or ill-treatment.

Observations

137. Many of the allegations in this and previous reports were supplemented with testimony received by the Special Rapporteur during his mission to Colombia in October 1994. The existence of a serious problem of torture is acknowledged by most public authorities, except the armed forces, who may admit the existence of identified "cases" of torture. The conclusions and recommendations of the joint mission conducted with the Special Rapporteur on extrajudicial, summary or arbitrary executions may be found in document E/CN.4/1995/111.

Côte d'Ivoire

Urgent appeals

138. The Special Rapporteur transmitted an urgent appeal to the Government on 19 May 1994 on behalf of Guirao Blé, deputy secretary general of the Ivoirian Federation of Student and School Pupils (FESCI), Rosalie Kouamé, Danthe Apolos, Naminata Ouatara, Merite Nalansana, and Orabera Tate. These persons were among a group of about 30 student members of FESCI who were arrested by members of the security forces on 15 May 1994 after participating in a meeting on the campus of the University of Cocody in Abidjan. At least one student was allegedly beaten severely after his arrest and had to be taken to hospital and the others were reportedly being held in incommunicado detention.

Croatia

Information transmitted to the Government and replies received

139. By letter dated 11 July 1994 the Special Rapporteur informed the Government that he had received information that Džemal Muratović, a Muslim Croatian citizen, was arrested with a neighbour on suspicion of car theft while they were towing his own disabled car in his home town of Slavonski Brod on 7 February 1994. Džemal Muratović was allegedly beaten severely during two

days of interrogation, and a doctor who visited him in detention was said to have confirmed that he had sustained a burst eardrum and damage to the kidneys. Although the doctor recommended a full medical examination and immediate treatment, the police were allegedly continuing to hold Džemal Muratović in detention without medical treatment.

140. On 8 November 1994 the Government replied that Džemal Muratović had been arrested on 8 February and brought to the Police Department of Brod-Posavina. On 11 February he was brought before the investigating magistrate in Požega and remained there in custody until 27 May 1994. The Government established that allegations concerning maltreatment of Džemal Murtović had no foundation.

Cuba

Information received from the Government with respect to cases included in previous reports

141. By letter dated 26 January 1994 the Government provided the Special Rapporteur with information on the cases which the Special Rapporteur had transmitted on 3 November 1993.

142. The Government informed the Special Rapporteur that Julio Pérez Benítez, a detainee at Agûica prison, Matanzas province, had assaulted a prison officer, who was obliged to repel the attack. He suffered no injuries of any kind that could have affected his health or physical well-being.

143. Joel Alfonso Matas, a detainee at Quivicán prison, had on 23 October 1992 punched a prison officer and the officer had replied in kind. Neither man needed medical attention.

144. According to the Government, the name of the person detained in Manacas provincial prison, Villa Clara, and referred to in the communication of the Special Rapporteur as José Pascual Castillo was José Pascual Sarduy. He had assaulted two guards on 15 February 1993, without receiving any injuries, and the state of his health was satisfactory.

145. The Government informed the Special Rapporteur that contrary to the allegations, Juan Carlos Aguiar Beatón, a detainee in Guanajay prison in the province of Havana, had physically assaulted Lieutenant Oscar Rodríguez Rodríguez and Sergeant Sergio Bannos Torres, seriously wounding the latter with a sharp instrument. The prisoner received no injury of any kind and the state of his health was satisfactory.

146. According to the Government, contrary to the information given to the Special Rapporteur, Heriberto Arce Vázquez and his brother had attacked a number of people in a night club on 24 May 1992, causing them various degrees of injury. The brothers were arrested while attempting to escape after assaulting a policeman. Charges that they were physically assaulted were without foundation.

147. The Government informed the Special Rapporteur that Manuel Benítez Hernández, serving a sentence in Boniato prison, had assaulted Sergeant Osvaldo Kindelán, but that the latter was deemed to have been responsible for not exhausting all means of persuasion, as a result of which disciplinary measures were imposed both on the prisoner and on Sergeant Kindelán. According to the Government, Manuel Benítez Hernández publicly acknowledged his error in acting as he did and took responsibility for the consequences. His state of health was satisfactory.

148. Charges of ill-treatment of the prisoner Luis Alberto Santos, detained in Boniato prison, were unfounded in every respect; his physical and general health were satisfactory.

149. The Government informed the Special Rapporteur that the names of Gerardo Montes de Oca and René Contreras Blanch, communicated by the Special Rapporteur, did not appear in prison records or in records of incidents involving the authorities or representatives of the law enforcement agencies.

Cyprus

Information transmitted to the Government and replies received

150. By letter dated 14 September 1994, the Special Rapporteur informed the Government that he had received information concerning Mehmet Cambulut, a Turkish Cypriot, who was allegedly slapped, punched, beaten on the soles of his feet and burned with a cigarette by members of the Special Branch of the police in April 1992 after he had gone to report his arrival in the Republic from the northern part of the island.

151. On 16 November 1994 the Government replied that Mehmet Cambulut had filed a complaint alleging ill-treatment by the Limassol police with the Committee for the Protection of Rights of Turkish Cypriots, which then notified the Chief of Police and the Attorney General. The police submitted the result of an investigation to the Attorney General who determined that the allegations could not be substantiated. A companion who had been with him at the police premises had stated in writing that they had not been ill-treated and that Mehmet Cambulut's complaint had been lodged to receive compensation.

152. The Special Rapporteur also informed the Government that he had received information concerning Lycourgos Vassiliou, of Larnaka, who was allegedly severely beaten and kicked by four policemen on 2 September 1993, resulting in his hospitalization for treatment, including broken ribs. Despite the existence of videotape evidence corroborating the beating, the police were reportedly acquitted by the assize court because the tape had not been submitted into evidence. The policemen had previously been acquitted on two other charges of causing grievous bodily harm to Lycourgos Vassiliou.

153. The Government replied that the assize court had acquitted the accused police members on the grounds, inter alia, that the evidence of the complainant did not reflect the truth. The videotape was seen by the Court, but was not taken into consideration because the person who took the film was

unknown to the police and the prosecuting authorities. The decision of the Court was final, but compensation was a matter to be decided by the court of competent jurisdiction after the filing of a claim by the complainant.

Czech Republic

Information transmitted to the Government

154. By letter dated 17 August 1994, the Special Rapporteur advised the Government that he had received information concerning Jaroslav Jonáš, a 17-year-old Rom who died in police custody on 19 September 1993. He had been arrested on 17 September 1993 on suspicion of having burgled a restaurant in Frýdek-Místek and was allegedly beaten and forced to sign a confession. He was later taken to hospital and treated for contusions on the left cheek, nose and back of the neck. After he was ordered by a magistrate on 18 September to remain in pre-trial detention, his father was notified that he had hanged himself in his cell. An investigation by the Ostrava Prosecutor's Office was reportedly being conducted into the circumstances surrounding his death.

Denmark

Information transmitted to the Government and replies received

155. By letter dated 5 August 1994, the Special Rapporteur informed the Government that he had received information concerning a painful form of restraint used against detainees known as the "leg-lock". The method was said to involve handcuffing the detainee behind the back, bending both legs at the knee, wedging one foot against the opposite knee and placing the other foot up under the handcuffs. The leg-lock was reported to have caused injuries such as abrasions to the wrists and nerve damage, resulting in pain and long-term numbness and tingling in the shoulders, arms, hands or fingers. The method was also said to inhibit breathing, thus creating a risk of sudden death.

156. The leg-lock and other forms of ill-treatment had reportedly been used against persons detained during police operations from September 1992 to December 1993 directed against hashish sellers in the Christiania neighbourhood of Copenhagen. Although the police unit allegedly responsible for most of the abuses, known as the "Christiania squad", was said to have been disbanded in December 1993, the use of the leg-lock as a form of restraint was said to continue.

157. The Special Rapporteur informed the Government of allegations he had received concerning police abuse in the five cases summarized in the following paragraphs.

158. Uvdlorianguaq Geisler was detained in the corridor of his house in Christiania on 24 May 1993 by plainclothes officers and placed in a van in the leg-lock position. He continued to suffer from tingling in his hands five months after the incident. During this same incident, Brian Beyer Johnsen was allegedly grabbed from behind by the police, after which he fainted. He woke up in a police van in the leg-lock position and, unable to endure the pain, managed to slip his foot through the cuffs. The police then

allegedly tightened the cuffs so that they cut through the skin of his wrists. Three months after the incident, he reportedly suffered from numb thumbs, tingling in his hands and scars on both wrists.

159. Albert Hatchwell Nielsen was arrested on 6 July 1993 in Christiania and allegedly placed in a van in the leg-lock position, which caused numbness and tingling in his hands. Seven months after the incident, he reportedly continued to suffer from "pins and needles" in the forefinger of each hand and a reduction of sensation, symptoms which an examining neurologist concluded were due to a compression injury of the wrist.

160. Peter Lucassen was allegedly beaten by three officers, including with a truncheon, after he had collided with one of the officers coming down the stairs of his house in Christiania on 8 September 1993. He was then reportedly placed in the leg-lock position. At the hospital the next morning, doctors noted bruises on his left arm, shoulder blades, knee, and on the back near his spine, as well as a swollen nose and forehead and abrasions on both wrists. The numbness in his hands was said to continue and in February 1994 a neurologist reportedly found signs of nerve damage to his left hand.

161. Mads Sjølund was arrested on 10 September 1993 by police officers in Christiania, during the course of which an officer allegedly placed a knee on his left hand, grinding it into the ground, while another officer put his knee on his neck. He was thereafter allegedly handcuffed behind the back and placed in the leg-lock position. At the hospital his left hand was placed in a splint and redness, swelling and bruising on both wrists was noted by a doctor. He retained scars on his wrists eight months after the incident.

162. On 17 October 1994 the Government informed the Special Rapporteur that following discussions with senior police officials and police associations, it had been decided to suspend indefinitely the above-described "leg-lock" restraint technique. It had been claimed that under certain circumstances the application of the restraint could cause the death of the prisoner. The Danish Ministry of Justice requested the Medico-Legal Council, an independent body of medical experts, to undertake an assessment of the medical risks involved in the application of that type of restraint. Reviews were also being conducted of other self-defence techniques used by police with a view to identifying potential risks connected with their application.

163. As to the allegations in specific cases involving the police operations in Christiania, examinations were being conducted before the Copenhagen city court with a view to clarifying complaints against police conduct.

Djibouti

Urgent appeals

164. The Special Rapporteur transmitted an urgent appeal on 15 June 1994 advising the Government that he had received information regarding six persons arrested on 5 June 1994 while participating in a peaceful demonstration by displaced persons in Ariba, a suburb of Djibouti city. They were identified as Addis Awalo Ali, Mohamed Daoud, Nour Barkat, Haidara Ashad, Dalle Ali Cheicko and Daoud Ali. The *Force d'action rapide* (Quick Action Force) was

said to have killed 4 and arrested about 600 persons at the demonstration. Most of those arrested were released, but the 6 named persons were reportedly still being held in an army detention centre 52 kilometres from the city.

Dominican Republic

Information transmitted to the Government

165. By letter dated 30 June 1994, the Special Rapporteur informed the Government that he had received information that Luis Lizardo Cabrera and Víctor Manuel Penaldo Almonte were among a group of 24 prisoners in La Victoria national penitentiary who were severely ill-treated by members of the national police for having declared a hunger strike on 9 August 1993. The strike had been called by the prisoners to protest what they claimed was the illegal detention of persons who had completed their prison sentences or whose release had been ordered by the courts. As a result of their ill-treatment, the two prisoners had to be hospitalized with intestinal problems and injuries to their knees.

166. By the same letter the Special Rapporteur reminded the Government of cases transmitted in 1993 regarding which no reply had been received.

Ecuador

Information transmitted to the Government

167. By letter dated 7 June 1994 the Special Rapporteur advised the Government that he had received allegations of torture in the cases summarized in the following paragraphs.

168. Danilo Jara was reportedly arrested and beaten in Quito on 31 October 1993 by three uniformed policemen. At the Office for the Investigation of Offences he was allegedly suffocated by a plastic bag placed over the head into which tear gas was pumped, his testicles were squashed, and he was suspended by his feet while electric shocks were administered. A doctor attached to the Office of the Attorney-General who visited him at Varones Rehabilitation Centre No. 2 stated that Danilo Jara had been severely beaten.

169. Rodrigo Elicio Muñoz Arcos, Luis Artemio Muñoz Arcos, Segundo Hilarión Morales Bolaños and José Vicente Morales Rivera, all Colombian nationals, were arrested on 26 August 1993 in the town of Tulcán, Carchi province, by the police and taken to the local Office for the Investigation of Offences. For 13 days they were allegedly held incommunicado and subjected to various forms of torture, including beatings and suffocation by a plastic bag placed over the head into which tear gas was pumped. The presence of injuries was reportedly confirmed by two doctors who visited the detainees at the Social Rehabilitation Centre to which they had been transferred on 7 September 1993.

170. The following persons, most of Colombian nationality, were arrested between 17 and 21 December 1993 by army personnel of the Selva Brigade 56 in the area of Peña Colorada and Lorenzo, as well as in the towns of Nueva Esperanza and Montepa, in the province of Sucumbios: Carmen Bolaños Mora,

Alejandro Aguinda Lanza, Demetrio Pianda Machoa, Froilán Cuellar, José Otilio Quinayas, Harold Heberth Paz Pallaguaje, Juan Clímaco Cuellar Pallaguaje, Henry Machoa Pallaguaje, Leonel Aguinda Urapari, Josué Bastidas Hernández and Carlos Enrique Cuellar. The arrests were carried out in an operation against the guerrilla group Fuerzas Armadas Revolucionarias de Colombia (FARC), which had attacked members of the police force and the Ecuadorian army. These persons were taken to the Puerto El Carmen military base and were allegedly beaten severely, suspended by ropes, deprived of food and sleep and subjected to electric shocks and mock executions. Carmen Bolaños was allegedly raped repeatedly. On 27 December they were transferred to the Pichincha Office for the Investigation of Offences in Quito, where the torture was said to have continued. The confessions obtained in this way were filmed and shown on television. Following medical examinations on 4 January 1994, two of the detainees, Juan Clímaco Cuellar and José Otilio Quinayas, reportedly had to be hospitalized. A number of non-governmental human rights organizations are said to have made statements concerning the innocence of the detainees and to have asserted that their only crime consisted in living in the region where the attack by the guerrilla group had occurred.

171. An additional 20 people, including Medardo Urapari Machoa, Reiniero Jurado Pianda, José Notto Díaz and Amparo Jaramillo, were arrested in connection with the aforementioned incidents, tortured and eventually released without being charged.

Follow-up to cases transmitted previously

172. William Fausto Andrade, arrested on 6 June 1992 in El Eno, Sucumbios province, was allegedly tortured by the police. In a letter sent on 30 September 1994 the Government provided a police report indicating that it had not been possible to identify who had made the arrest and on what date. In addition, no medical certificate existed which could establish if torture had been inflicted.

173. Víctor Hugo Cadena, arrested on 25 July 1992 in the district of Atalmalpa, Quito, was allegedly tortured by the police. On 9 December 1993 and 30 September 1994 the Government replied that he had been arrested on suspicion of theft but that he was never subjected to torture.

174. Johnny Julio Lara Terán, arrested on 17 July 1992 in Quito, was allegedly tortured by the police. On 9 December 1993 and 30 September 1994 the Government replied that he had been arrested on suspicion of theft but that he was never subjected to torture.

175. Felipe Moreira Chávez died, allegedly as a result of torture, following his detention by the police on 20 August 1992 in Quevedo, province of Los Ríos. On 9 December 1993 the Government stated that he had been arrested on suspicion of bank robbery. He had tried to escape by jumping off the vehicle in which he was being transferred and he fell down a hill.

176. Luis Olmedo Aguilar López died after being arrested by the police on 24 February 1993 in Pintag, near Quito. According to the autopsy report,

his body was bruised. On 9 December 1993 the Government replied that he had died of natural causes. The Special Rapporteur requested further information from the Government which has not yet been provided.

177. José Ignacio Chauvín, aged 17, was arrested on 14 February 1993 in Quito and allegedly tortured. On 30 September 1994 the Government stated that due to insufficient cooperation from Mr. Chauvín, it was not possible to identify the policemen who carried out the arrest, the details regarding the place of detention or the vehicle in which he was transferred. The investigation was continuing.

Egypt

Information transmitted to the Government and replies received

178. By letter dated 4 July 1994 the Special Rapporteur informed the Government that he had received information according to which torture was practised routinely in prisons, State Security Intelligence (SSI) facilities, Central Security Forces (CSF) detention camps and police stations. The frequency of the practice was said to have risen sharply with the concomitant increase in political activities, especially by certain Islamic groups.

179. Torture was reportedly practised on all classes of detainees, but the practice appeared most common and severe as with respect to those detained or imprisoned for political reasons. Persons suspected of belonging to Islamic fundamentalist, Nasserist or Communist organizations were said to be singled out for mistreatment. Christians accused of attempting to convert Muslims as well as Muslims who had converted to Christianity, were also said to be particularly vulnerable to torture.

180. Torture was allegedly carried out to extract a "confession" or information; to administer discipline or punishment; or, in certain police stations, to perform a "favour" for influential persons. The methods of torture alleged included severe beatings, such as with sticks and other objects; whippings with electric cables while the victim was naked; suspension in painful positions for prolonged periods; application of electric shocks, particularly on sensitive parts of the body such as genitals, nipples, ears and lips; burnings with cigarettes; sexual assault; dousing with cold water; and dragging the victim across the floor so as to cause abrasion wounds.

181. In a number of instances of alleged torture, the victims were examined by medical officials of the Department of Forensic Medicine in the Ministry of Justice. It was said that even in cases in which forensic reports had established that the state of the examinee was consistent with allegations of torture, further investigation or prosecution was seldom pursued.

182. The Special Rapporteur also transmitted to the Government a number of individual cases. On 27 October 1994 the Government provided replies to these cases, summaries of which follow those of the corresponding allegations.

183. In the cases transmitted by the Special Rapporteur described in the following paragraphs, allegations of torture were said to be consistent with forensic medical examinations conducted by the Department of Forensic Medicine

in the Ministry of Justice. The forensic report number was provided where the source provided it to the Special Rapporteur. A significant number of the incidents were reported to have occurred when the individual was in SSI custody.

184. Rabi' Ahmad Rikabi Ahmad was arrested on 4 January 1993, blindfolded, taken to a location that may have been SSI headquarters in Lazoghly Square, Cairo, and allegedly tortured by means of electric shocks to his chest and stomach. The forensic reports were said to have noted a scar on his nose caused by exceedingly tight blindfolding, but the examination took place beyond the period necessary to confirm the use of electric shocks. 'Abd al-Mun'im Gamal al-Din 'Abd al-Mun'im was arrested on 21 February 1993 and blindfolded for several days at the Giza branch of SSI. The pressure from the blindfold was said to have caused injuries to the bridge of his nose. Hussein Taha 'Omar 'Afifi, from Imbaba, Cairo, was arrested on 10 January 1993 and allegedly beaten over two days, resulting in scarring to his left arm. The Government replied that the court in Military Felony Case 18/1993 had acquitted these three persons on the grounds that the charges against them had not been proved, but that the substantiating grounds for the court's judgement made no reference to their assault or torture.

185. Yahya Khalfallah Mohammad 'Ali, from Cairo, was arrested on 18 February 1993 and allegedly tortured by means of beating him with an iron bar on his face and head and applying electric shocks to various parts of his body. The Government stated that he was sentenced to three years' imprisonment in Military Felony Case 18/1993, but the court had disregarded the defendant's confessions made during the investigation in view of its suspicion that they might have been extracted under duress or pressure. The Department of Public Prosecutions (DPP) was investigating the matter.

186. Ahmad Shawqi Thabet 'Abd al-'Aal was arrested on 10 April 1993 and allegedly tortured for four days at SSI headquarters and at the SSI branch office at Gaber bin Hayyan Street in Doqqi, Cairo. The methods of torture were said to include electric shocks to various parts of his body and beatings, resulting in injuries to his hands, legs, chest, and back. The Government replied that he was sentenced to 10 years' imprisonment with hard labour in Military Felony Case 18/1993, but that the court had observed injuries on the defendant and so had disregarded the contents of the arrest reports and had based its judgement on other evidence. The DPP was investigating the matter.

187. Khalifa 'Abd al'-Azim 'Abd al-'Aziz Khalifa was arrested on 20 February 1993, taken to SSI headquarters and allegedly tortured for two days by means of beatings and electric shocks to various parts of his body. 'Abd al-Rahim 'Abd al-Ghaffar Mursi 'Abd al-Bari was arrested on 18 February 1993 and reportedly subjected to punches and kicks, injuring his right eye. He also allegedly received electric shocks to sensitive areas of his body. The Government replied that the two men were sentenced by the court in Military Felony Case 18/1993 to 15 years' imprisonment with hard labour, but that the court had disregarded their confessions made during investigation in view of its suspicion that they might have been extracted under duress or pressure. The DPP was investigating the matter.

188. Hazim Mohammad Nour al-Din Hafiz Wahdan was reportedly arrested on 18 February 1993 and tortured for two hours each day for five days. He was allegedly subjected to electric shocks on various parts of his body, including to his penis and rectum. The Government replied that he had been acquitted of charges against him by the court and that the DPP referred him for two medical examinations. The first examination revealed a number of contusions having occurred at a time consistent with that of the alleged incident, but these could not have been caused by electric shocks as the defendant alleged. It was impossible to determine the date of other abrasion injuries. The second report indicated that the injuries mentioned in the first report had disappeared, making it impossible to determine their cause and rendering the complainant's allegations unsupported.

189. Muhsin 'Ali Mursi Shahhata was arrested on 28 January 1993 and allegedly tortured by means of electric shocks applied to various parts of his body. The Government replied that he was sentenced to 15 years' hard labour in Military Felony Case 18/1993 and that, according to the medical reports, lesions on his forearms had been caused by friction with one or more blunt rough-surfaced objects and could not have been caused by electric shocks. A lesion behind his right ear was a pathological condition.

190. Mohamed Ali Mohamed El-Sayed Hegazi was allegedly tortured from 8 February 1993 through 25 February 1993, with beatings to the head with a hard instrument and whippings on the feet and legs with a lash-like instrument. He was said to have sustained injuries and scars to his head, legs and shoulders (forensic report 807/1993). The Government replied that the Department of Forensic Medicine report stated that his contusions could have been caused in the manner alleged by the defendant. The court in Military Felony Case 24/1993 studied the contents of the medical report and acquitted the defendant on the ground of lack of admissible evidence against him.

191. Ihab Abdel-Maqsoud was allegedly assaulted in prison on his left arm with a leather instrument, subjected to electric shocks causing injury to his neck, had tear gas canisters hurled at him and was beaten with canes (forensic report 220/1993). The Government replied that the medical report indicated that the abrasion observed on his forearm had been caused by the frictional impact of some type of hard, blunt object that might have been a leather belt as alleged in the defendant's statement and might have occurred on the date alleged. The court in Military Felony Case 24/1993 studied the report and decided to sentence him to a term of three years' imprisonment.

192. Islam Ragab abdel-Hadi was allegedly tortured by means of suspension by the hands (forensic report 220/1993). The Government replied that he was acquitted by the court in Military Felony Case 24/1993, which included in its substantiating grounds the suspicion that he might have been subjected to duress or pressure. The DPP was investigating the allegations.

193. Youssef Sadiq Youssef was allegedly tortured by an officer of the SSI on 21 January 1993 by means of blindfolding and beatings with a whip or lash (forensic report 122/1993). The Government replied that he had been sentenced to 10 years' imprisonment with hard labour in Military Felony Case 23/1993 and that the medical report indicated that a superficial examination of his body

had shown no traces of injuries or marks suggesting that he might have been subjected to violence or assault. A mark on his nose might have been caused by his being blindfolded.

194. Hilal Osman Mursi Hilal was allegedly assaulted by officials in Marg prison on 21 May 1993. He was said to have been bound in iron clasps, suspended from a wall, beaten on the back with an army boot and an electric cable and hit on the back of the head (forensic report 833/1993). The Government replied that he had been sentenced to seven years' imprisonment in Military Felony Case 24/1993 and that the substantiating grounds for the judgement made no reference to assault or torture.

195. Tarek Mansour Ali was allegedly tortured by being punched, kicked and subjected to electric shocks to his chest while blindfolded and naked (forensic report 245/1993). The Government replied that the medical report stated that it was impossible to determine the cause of a superficial wound on his chin that was in the process of healing or to determine the manner in which it had occurred. It was possible that it had occurred on the date alleged. In reviewing all the evidence, including the contents of the report, the court decided to acquit him in Military Felony Case 24/1993.

196. Gamal Mohamed Abu Zaid was allegedly assaulted by SSI officers, resulting in wounds to his forehead, legs and feet (forensic report 270/1993). The Government replied that the medical report indicated that most of the marks observed on his body were probably recent superficial contusions and abrasions that were not of a special or significant nature and did not support his statement to the DPP concerning the alleged incident.

197. Khalifa Abu Zaid Shabib was allegedly tortured by having his wrists bound, being suspended from a door and being punched and beaten with various instruments (forensic report 261/1993). The Government replied that he was acquitted by the court in Military Felony Case 24/1993, which included in its substantiating grounds the suspicion that he might have been subjected to duress or pressure. The DPP was investigating the allegations.

198. Amr Ali Mohammed El-Iraqi was allegedly assaulted upon his arrest on 12 February 1993. He was said to have been beaten with a stick on his feet and head and punched and slapped in the face (forensic report 221/1993). The Government replied that the medical report indicated that marks observed on the soles of his feet were contusions that could have originated on the date alleged and might have been caused by beating of the feet with sticks. The military court in Military Felony Case 24/1993 reviewed all the evidence, including the contents of the medical report, and decided to acquit him.

199. Hasan Mekkawi Hasan Mekkaw was arrested on 10 June 1992 and interrogated on 14 December 1992. He was allegedly tortured and suffered severe injury, including a perforated right ear drum. The case was identified in forensic report 600/1992. The Government replied that the court in Military Felony Case 6/1993 had acquitted him after reviewing all the facts of the case, including the medical report.

200. Hamidh Qasim El-Abed was arrested on 16 August 1992 and taken to the SSI branch office in Bandar Qena. He was allegedly blindfolded, beaten and

subjected to electric shocks, which resulted in injuries to his thighs, legs and left shoulder (forensic report 600/1992). The Government replied that the medical report had indicated that marks of injuries to his right foot had disappeared without leaving clear traces that could be used as evidence, that x-rays had revealed no fractures, and that on the basis of his descriptions of his injuries, they seemed to be merely bruises or abrasions. The court in Military Felony Case 6/1993 had reviewed all the evidence and sentenced him to 15 years' hard labour and in its judgement made no mention of any offence committed against him.

201. Mahmoud Hussein Mohammed Ahmed El-Minya was arrested on 13 April 1992 in Alexandria port under the Law of Suspicion. He was allegedly subjected to beatings and had his lower jaw broken, resulting in a coma and death on 3 May 1993. The Government replied that an investigation of the office of the El-Minya Prosecutor had excluded suspicion of felonious acts on the part of the police and the case had been closed. That decision was based upon a report from Asyut University Hospital which confirmed that his death had been caused by kidney failure. A forensic report had also stated that his death was due to a pathological condition and could not be attributed to the fact that his jaw had been broken. The Attorney-General, however, had countermanded the decision to close the file and had ordered a continuation of the investigation, which was being undertaken by the DPP.

202. Matouq Yusuf Hasan was arrested on 26 January 1993 and allegedly suspended in a painful position, causing an impairment in mobility of his right arm and both legs (forensic report 203/1993). The Government replied that he was convicted of some and acquitted of other charges against him in Military Felony Case 13/1993 and was sentenced to five years' imprisonment with hard labour. The court had studied the medical report and made no reference to the commission of any offence against him in its judgement.

203. The cases in the following paragraphs were said to be documented in records of DPP inquests. The information reflecting the torture allegations was said to be based on testimony given by the victim to the DPP and by visual examination of the victim by the DPP.

204. Tareq Abdel-Raziq Hussein appeared before the DPP for questioning on 26 April 1993, during which the DPP, upon inspection, confirmed the presence of injuries to his body. He allegedly had been beaten and suspended. The Government replied that he had been sentenced to death for the attempted assassination of the Minister of Information in Military Felony Case 11/1993 and was subsequently executed. The Court had reviewed all the allegations and defence pleas at its hearings.

205. Ashraf Il-Sayed Ibrahim Saleh appeared before the DPP for questioning on 26 April 1993, during which the DPP was said to have discovered bruises on his calves. He allegedly had been tortured by various means and was unable to swallow as a result of blows to his jaw and chin. The Government replied that he had been executed following death sentences pronounced in State Security Case 230/1992 and Military Felony Case 11/1993. The court had reviewed all allegations and pleas at its hearings.

206. Shafia Mohammed Ali appeared before the DPP on 3 April 1993, during which a visual examination revealed abrasions and bruises on his legs and knees. He allegedly had been subjected to torture by the SSI on 31 March 1993, including blows to the face and being suspended upside down while receiving electric shocks to the thighs. The Government replied that his real name was Shafi'i Magd Ali Magd and that he had been convicted of some and acquitted of other charges in Military Felony Case 13/1993. The judgement made no mention of any allegation by the accused that he had been assaulted.

207. Ahmed El-Sayed Moustafa appeared before the DPP on 26 January 1993, during which the DPP was said to have recorded the presence of bruises on his chest and back. He allegedly had been assaulted and tortured. The Government replied that he was sentenced to five years' imprisonment with hard labour in Military Felony Case 23/1993 and the court made no reference to his having been subjected to assault or torture.

208. The Special Rapporteur also transmitted to the Government the cases of torture described in the following paragraphs.

209. Abd al-Harris Mohammad Madani was reportedly arrested at his law office in Cairo on 26 April 1994 and died 6 May 1994, allegedly as a result of severe torture by the SSI Giza branch. His death was said to have occurred either in police custody or in Qasr al-'Aini hospital, where he was taken by the police. The substance of the Government's reply to this case was substantially the same as that summarized below in response to the urgent appeal of the Special Rapporteur transmitted on 5 May 1994 (see para. 222).

210. Mohammad Hussam Ahmad al-Sharif was arrested on 18 January 1993 and allegedly tortured over several weeks by means of electric shocks to various parts of his body and by suspension. He was not examined forensically until 21 March 1993, at which time no scars were recorded. The Government replied that he had been executed on 20 December 1993, pursuant to a sentence pronounced by the court in Military Felony Case 18/1993. The medical report issued on 8 February indicated that a vascular condition in his eye was a pathological condition and the medical report of 27 April 1993 revealed no injuries.

211. 'Ali Hashem Mohammad 'Amara was reportedly arrested in January 1993 and taken to SSI headquarters where he was allegedly tortured by means of electric shocks and beatings. He was not examined forensically until 30 March 1993, at which time no scars were recorded. The Government replied that he had been sentenced to hard labour for life (15 years) in Military Felony Case 18/1993. He did not submit any plea to the effect that he had been assaulted.

212. Mohamed Abu Bakr Omar, from Siwa Oasis, was allegedly tortured at Siwa police station and on 26 August 1993 was referred to Siwa's central hospital. A medical examination reportedly revealed a cut in his scalp, a contusion on the lower lip, multiple contusions and bruises on the neck, back and shoulders and contusions on the upper part of the chest, both arms, a finger and the feet. The Government replied that the DPP had decided that there was no cause to institute proceedings in connection with the incident in view of the fact that he bore equal responsibility for his injuries.

213. Munbeih Nagih Ali was reportedly tortured for eight hours by an investigator from the Qalyb police section, who forced his way into her house, beat her with a shoe and threw her 15-day-old granddaughter to the ground. The officer then allegedly took her to the police station and in the presence of several onlookers whipped her, undressed her, tied her hands and feet and threatened her with rape. The DPP was said to have corroborated that she had sustained multiple injuries and to have ordered a medical report to be made at Qalyb hospital. The Government replied that the DPP had conducted an investigation and had charged the officer with the offence of using brutality, but had released him on his own recognizance. The case was still awaiting final settlement.

214. Ahmed Farouq Ahmed Ali was arrested on 2 September 1993 in connection with a plot to assassinate the Interior Minister and he died the next day, allegedly as a result of torture. His father and 13 members of his family had been arrested and taken to the SSI office in Dokki, where they allegedly were subjected to beatings and insults and the women were threatened with rape. On 4 September 1993, his father was told that Ahmed Farouq Ahmed Ali had died of a heart attack. A death certificate noted that an examination of the corpse had revealed the presence of injuries and that the cause of death was under investigation. The Government replied that the forensic report indicated that the death was caused by a sudden drop in blood pressure which affected the functioning of the cardiovascular and respiratory systems. The autopsy revealed aortic atheroma, an opaque tumour, nephremia, pulmonary schistosomiasis and cirrhosis of the liver. His pathological condition was chronic and, in itself, was likely to prove fatal without any other external factors. The DPP decided to suspend further investigations.

215. The Special Rapporteur also transmitted to the Government information he had received indicating that the practice of torture was widespread in Egyptian prisons. Collective mass punishments were reportedly carried out with frequency, especially where members of Islamic political groups were held en masse. Tear gas, truncheons, whips and dogs were allegedly used against prisoners and reprisals were said to be carried out pursuant to laws and regulation that had been intended to protect the security, health and hygiene of the prisons.

216. An incident of mass punishment was reportedly carried out by a joint force of soldiers, police and special forces on 5 September 1993 at the Abu Za'bal El-Sna'i Prison in Qalyubiya governorate. The forces allegedly removed each prisoner from two of the cell blocks, beat them, dragged them along the ground and set dogs on them. When inmates of two other cell blocks refused to emerge from their cells, they were allegedly shot at with tear gas and rubber bullets. Ahmed Mourad, Mohamed Ibrahim, Ali Hafez, Moustafa Bakri, Ahmed Hashish and Ali Hassan Ali were said to have been severely injured in the incident. After some prisoners went on a hunger strike in protest, they were allegedly taken to the SSI officers' room in the prison and subjected to torture and whippings. Another disciplinary campaign reportedly followed on 24 October 1993, resulting in serious injuries to 16 inmates, including head and facial wounds, bruising on the back, and wounds from rubber pellets.

Four prisoners - Hassanein Moustafa, Youssri Abdel-Mesih, Atef Aboul-Futouh Ahmed and El-Mohamadei Mohamed Mursi - were reported to have died in the incident. Mohamed Ahmed El-Sadeq reportedly sustained an injury to his right thigh from a live bullet.

217. The Government replied that on 5 September 1993, not 27 August 1993, Abu Zaabal prison had been the scene of riots and acts of violence among inmates in which three persons died and 85 other persons suffered superficial injuries. During the incident of 24 October, the force responsible for law and order was attacked by some inmates while conducting routine search operations, resulting in injury to 25 members of the force and 52 inmates as well as the death of one inmate. The injured persons were treated and the DPP ordered a medical examination to determine the cause of the deceased prisoner's death.

218. A similar campaign was reportedly carried out at Marg prison on 13 September 1993 and 22 September 1993. In the first incident, Hatem Musaad El-Qanaoui and Ashraf Abdel-Sitar Ahmed allegedly sustained severe injuries as a result of assaults with sticks and wire. In the second incident, injuries by beating were allegedly inflicted upon Ahmed Farghali, Abdul-Haggag Gohar, Abdel Menem Abdel-Hafez, Mohamed Hussein, Mohamed Hussein El-Shaarawi, Mohamed Abdel-Maged, Ramadan Gomaa and Sami Ahmed.

219. The Government replied that on 13 May 1993, not 13 September, some of the inmates at Al-Marg prison rioted and committed acts of violence which compelled the prison administration to intervene to disperse the rioters and arrest the instigators. Sixteen inmates were charged with using force against public officials and causing deliberate damage and 11 of these persons were convicted by the criminal court at Benha.

220. The Government further notified the Special Rapporteur on 17 November 1994 that the following persons convicted in Military Felony Cases 18 and 24/1993 had been summoned by the DPP from their places of detention to give statements: Muhammad Samir Ebeid al-Sayyid, Khalid Abdul Fattah Hassan Mustafa, Muhammad Ali Muhammad Mutawalli, Khalifa Abdul Azim Abdul Aziz Khalifa, Yahya Khalafallah Muhammad Ali, Rabi Ahmad Rikabi Ahmad, Ra'id Abdul Sami' Ali Amara, Ahmad Shawqi Thabit Abdul Al, Abdul Rahim Abdul Ghaffar Marsi Abdul Bari, and Muhammad Gallal Ahmad (Military Felony Case 18); Samir al-Sayyid Mahmoud Raihan, Yaseen Abdul Sattar Yaseen, Gamal Muhammad Abu Zeid Sulaiman, Amru Ali Muhammad al-Iraqi, Islam Ragab Abdul Hadi, Khalifa Abu Zeid Shabib Hilal, Tariq Mutawalli Ahmad al-Tukhi, and Yasir Haggag Muhammad Haggag (Military Felony Case 24). Those persons claiming to have been subjected to assault or torture were sent for medical examinations. In none of their statements did the prisoners identify the persons responsible for the alleged assault.

Urgent appeals

221. On 7 March 1994 the Special Rapporteur sent an urgent appeal on behalf of Kamel Soliman, a Christian, who was arrested on 31 July 1993 in Cairo by members of the security forces for distributing a book written by a former Muslim who had converted to Christianity. He allegedly was subjected to torture at the State Security Building, including by suspension from the

wrists for prolonged periods, blindfolding and hitting. As a result of this treatment, his health had deteriorated and medical care was allegedly not administered. He was being held at the Torah penitentiary, near Cairo, and fears were expressed that he might die if not provided with adequate medical treatment.

222. The Special Rapporteur sent another urgent appeal on 5 May 1994 to the Government on behalf of 'Abd al-Haris Mohammad Madani, a lawyer reportedly arrested on 26 April 1994 at his office in Cairo. He was allegedly so severely tortured at the Giza branch of the SSI that he had to be taken to the Qasr al-Aini hospital. Fears were expressed that he might be tortured again if returned to SSI custody.

223. On 22 June 1994, the Government replied that Abd al-Haris Mohammad Madani was arrested pursuant to authorization by the Higher State Security Prosecutor and that while the arrest squad were taking him to search his home in the district of Warraq al-Arab, Giza, he began to experience difficulty in breathing. He was taken for medical assistance to Qasr al-Aini hospital and that night the Office of the Higher State Security Prosecutor was notified by the hospital that he had died. A forensic doctor carried out a post-mortem on 28 April and the Chief Justice and Attorney-General ordered an investigation into the incident. The final post-mortem report had not yet been lodged and the Office of the Prosecutor was continuing its investigations.

Information transmitted by the Government with respect to information in previous reports

224. By letter dated 13 December 1993 the Government replied with respect to general allegations as well as a number of individual cases transmitted by the Special Rapporteur on 26 August 1993. Further information on some of these cases was also provided to the Special Rapporteur by the Government in its correspondence of 27 October 1994.

225. The Government stated that it regarded torture as an inhuman practice and had incorporated penal provisions against the practice that were applicable even during a state of emergency. An office to investigate cases of torture had been established. Since the beginning of 1992, custodial sentences had been passed on 15 policemen and officers convicted of assaulting citizens and 39 others had appeared before disciplinary tribunals on the same charge. Eight of the latter cases were referred by the Office of the Attorney-General to the criminal courts and compensation was awarded in cases in which acts of torture were found to have been committed.

226. Allegations concerning the torture of political detainees in prisons were able to be refuted owing to the fact that judicial bodies exercised their right to monitor and inspect prisons, that the security situation was stable in those prisons and that some non-governmental organizations had been permitted to visit the headquarters of the State Security Police and a large number of prisons. It was inconceivable and impossible that torture could be a customary practice, and even if some of the complaints were true, they constituted exceptional cases that were condemned and punished by law. Egypt was faced with overcrowding in penal institutions, but this did not prevent

diligent care for the social, health and cultural welfare of prisoners and respect for their rights. Contrary to allegations, Central Security camps were not used as detention centres.

227. In the case of Saber Hamza Mubarak, who was allegedly tortured at SSI offices in Alexandria, the Al-Labban police station and CSF Qena camp, the Government replied that a forensic examination had determined that his injuries had occurred at a time prior to that at which he claimed to have been subjected to torture.

228. With respect to El-Shazli Ebeid El-Saghir or Shazli El-Saghir Ebeid Ale, who was allegedly tortured at a CSF camp at Hurghada in September 1991, an examination by the Department of Forensic Medicine had found no trace of injury and it could not be ascertained whether he had been tortured.

229. As to Mahmoud Geheimi al-Saadawi, who allegedly died following six days of torture at SSI headquarters, a forensic examination had revealed that the cause of death could have resulted from an acute latent pathological condition not revealed by the autopsy and a subsequent discussion with the medical examiner confirmed that a heart attack was the cause of this pathological condition.

230. Kassab Muhammad Abbas Gad was allegedly subjected to torture and ill-treatment upon his arrest in May 1988 and at Abuza'abal and Tora prisons. According to the Government, the prison administration asserted that he had resorted to the submission of torture complaints in the belief that they might lead to his release.

231. With respect to Khalid Muhammad Ahmad Kumar, who was allegedly tortured at SSI at headquarters in October 1991, the Deputy Public Prosecutor had met with him, he denied being tortured and no injuries were found on his body.

232. Muhammad Bakri al-Shaikh was allegedly tortured in 1990 at the CSF camp in Abnoub. The Government stated that he had presented himself to the DPP as a witness for the prosecution in a case, but had never himself been arrested.

233. Osama Bahi ed-Din Mahmoud al Qadhi was allegedly tortured in 1991 at the CSF camp in Abnoub. According to the Government no record had been found of any complaint concerning his subjection to torture, no injuries were observed on his body when he appeared before the examining magistrate, and the DPP at Abu Tig received no subsequent complaints of his having been assaulted.

234. In the case of Muhammad Said Muhammad Abdu, who was allegedly tortured following his arrest in Alexandria in August 1992, no record was found of any security measure taken against him.

235. Muhammad Ali Muhammad Ali was allegedly subjected to torture at the Agonza police station in Cairo, including by a mixture of water and faeces injected into his leg. According to the Government, he had injected himself in the foot with a syringe of dirty water while being questioned by the DPP on 14 February 1993 in connection with a criminal case.

236. Fathiya Said Muhammad al-Kurd was allegedly tortured at SSI headquarters in February 1992. The Government stated that she had not made any complaint or submitted any evidence to substantiate the allegations.

237. Muhammad Mahmoud Shaikh, a Somali national serving a life sentence at Qanatir prison, reportedly died following a severe beating for attempting to escape. The Government replied that the medical report gave distension of the spleen, a condition from which he had previously suffered, and a sharp drop of blood pressure as the cause of death.

238. Talib Bakir Qaldash, a Turkish national imprisoned at Qanatir prison, allegedly died after beatings by warders in his cell. According to the Government, he had committed suicide by hanging on 29 July 1991 and a medical report stated that asphyxia by suffocation had caused his death. There was no evidence of his having been subjected to assault or ill-treatment by any of the prison staff.

239. The Government provided information in the following individual cases, but did not address the allegations of torture: Gamil Hassan Metwalli Sayyid, Mustafa, Sadiq Ibrahim Musa, Ashraf Abul-Hassan Ibrahim Qasim, Muhammad Alawi Ali Abdul Muheimin, Attiyya Ahmad Muhammad al-Sayyid, Midhat al-Sayyid Ahmad Hilal, Muhammad Khlaf Youssuf Abdul Rahman Zayid, Ahmad Thabit Faraq Muhammad, Atef Gamil Mahmoud (Atef Gamil Mahmoud Umran), Hani Abul-Magd Sabir Sayim (Abul-Magd Hani Sabir Siyam), Khalid Said Mahmoud. In the following individual cases, the allegations of torture were addressed only by stating that the named person had not filed a complaint of torture: Mu'tazz Ali Abdul Karim Abdul Ghani, Hanna Ali Farrag Abdul Karim, Talaat Fuad Muhammad Qasim and Ahmad Hafiz al-Dhayit. In the following individual cases, the trial court was said to have responded to the defendant's torture claim by disregarding the evidence obtained through torture: Sharif Hassan Ahmad Muhammad Hassan, Qasim Ibrahim Qasim Qutaish, Ahmad Ibrahim Abdul Galil Mustafa, Ala ed-Din Ismail Abbas Ramadhan.

240. With the respect to the above, with the exception of the cases of Hanna Ali Farrag Abdul Karim and Amad Ibrahim Abdul Galil Mustafa, the Government subsequently informed the Special Rapporteur that the DPP had requested further details so that it could complete its investigations.

241. In the following individual cases, investigations by the Government were said to be ongoing: Muhammad al-Sayyid Ahmad Said, Amir Hamdi Salim, Hisham Mubarak Hassan, Ahmad Ismail Mahmoud Salama, Adel Sayyid Qasim Shaaban, Amer Abdel Moneim Muhammad Ali, Muhammad Reshad Abdul Rahim al-Imam, Muhammad al-Sayyid al-Sayyid Hegazi, Muhammad Afifi Matar. The Government subsequently informed the Special Rapporteur that the DPP had heard statements from these persons, had referred them to the Department of Forensic Medicine for medical examination, and were continuing its investigations.

Observations

242. The Special Rapporteur appreciates the detailed replies he has received in respect of a number of cases. He nevertheless shares the concern of the Committee against Torture that "torture is apparently still widespread in Egypt" (A/49/44, para. 86; see also similar comments of the Human Rights

Committee; A/48/40, para. 707). Even the number of cases in respect of which a court has considered evidence inadmissible because of duress is alarming, as is the absence of prosecution, conviction and appropriate sentence of those responsible for the duress. It is clear that interrogators have detainees at their mercy for too long a period and that this and the rarity of prosecutions and convictions must give them a sense of impunity. The tendency of the Government to treat each case separately, when torture in individual cases is notoriously difficult to prove, is an inadequate response to an apparently widespread practice. Serious and thoroughgoing general measures are required to bring the situation into conformity with Egyptian and international law. Despite the ferocious challenges that ruthless terrorism has posed for the Government, the Special Rapporteur joins the Committee against Torture in reminding the Government that torture can never be justified.

El Salvador

Information transmitted to the Government

243. By letter dated 30 June 1994 the Special Rapporteur advised the Government that he had received information on the cases of alleged torture summarized in the following paragraphs.

244. Yolanda del Carmen Espinosa Henríquez, a member of the trade union of the enterprise LIDO, was abducted on 3 February 1993 by armed men driving a pick-up with blacked-out windows. She was taken to the central National Police station in San Salvador, where she was reportedly locked in a cell and beaten. She was then allegedly forced to remain for several hours under a cold shower and was raped by two of her abducters and threatened with death.

245. Wilber Alexander Morales Gómez, an 18-year-old Costa Rican, was arrested on 22 July 1993 by members of the San Salvador Municipal Police for failing to carry identity papers. While in transit to police headquarters, he was allegedly beaten repeatedly and this treatment continued at police headquarters. The following day his injuries were observed by a forensic physician. On 24 July he was reportedly taken to Rosales hospital and diagnosed as suffering from post-traumatic pancreatitis. Proceedings were said to be pending against four National Police officers for causing bodily injury.

246. Rufino Flores Sánchez was arrested on 14 July 1993 in Soyapango by some six National Police officers, who accused him of not having a valid driving licence. When Mr. Flores protested, he was reportedly severely beaten. Two days later, he was examined by a doctor who noted bruises on the back of the head, thorax, left arm and both feet and abrasions extending from the mouth to the ears, and on the neck, thumbs, elbows and back. Mr. Flores lodged a complaint with the Soyapango magistrates' court, which sent an official letter to the local National Police chief requesting information regarding the officers. However, the National Police in Soyapango denied that members of the unit in question had been on patrol in the place and on the date indicated.

247. Edwin Antonio Cebillas, Luis Abisaí Rivas González, Ronald Romeo Mediano and Guillermo Rivas Soriano were arrested on 23 October 1993 in the Popotlán

district of Apopa by members of the National Police. Edwin Antonio Cebillas was allegedly beaten severely before arriving at police headquarters. Other detainees at the headquarters, urged on by the police officers, were said to have beaten the newcomers and burned them with molten plastic.

248. Roberto Carlos Velázquez Flores, an 18-year-old student, was arrested on 27 October 1993 in the San Emigdio Uno district of Apopa, San Salvador by members of the National Police, who accused him of theft. He was first taken to the Apopa police headquarters and later transferred to the local mayor's office where he was reportedly beaten and burned on the neck. A medical report noted the existence of various bruises, scratches and ecchymoses caused by a blunt instrument.

249. Gregorio Menjía Espinoza, Secretary-General of the Tonacatepeque section of the Movimiento Popular Social Cristiano, was arrested on 23 May 1993 in the street in San Salvador by persons suspected of having links with government forces. He was taken to a detention centre that he was unable to identify, as he had been kept continuously blindfolded. He was allegedly beaten and burned with a metal object, resulting in multiple wounds to his chest. Threats were allegedly made to kill him and shots were fired at him.

Equatorial Guinea

Information transmitted to the Government

250. By letter dated 21 October 1994 the Special Rapporteur advised the Government that he had received information indicating that persons detained by the authorities were frequently subjected to torture. Persons detained for political reasons were said to be particularly vulnerable to torture and ill-treatment.

251. The Special Rapporteur informed the Government that he had received information on the cases summarized in the following paragraphs.

252. Benjamín Balinga, the leader of the Partido Social Demócrata (PSD), was arrested along with several other opposition leaders in January 1993 in Ebebiyín and allegedly beaten severely with truncheons on the soles of his feet. He was said to have been unable to walk for several weeks as a result of his ill-treatment.

253. Gaspar Mba Oyono, Jesus Abeso Nguema, Efrén Osa Ovono, Elancio Esayong Andeme and Francisco Andeme Nguema, Unión Popular (UP) party members from the village of Andom Onvang, Nsok-Nsomo district, were arrested in late June 1993, in connection with a protest against the siting of a health post on a local football field. The arrest was said to have been carried out by the local representative of the central Government, the chief of police, the district coordinator of the ruling Partido Democrático de Guinea Equatorial (PDGE) and 10 soldiers. On the way to the prison in Nsok-Nsomo, the detainees were reportedly forced out of the cars, tied to trees and severely beaten. They were said to have sustained serious injuries, including fractures of the legs and arms. Gaspar Mba Oyono was reportedly so ill that he was released into the care of his family, who brought him to Ebebiyín hospital, where he died in July as a result of his injuries. The other four detainees were reportedly

held incommunicado in Nsok-Nsomo for two weeks, then taken to hospital in Bata, where they allegedly failed to receive appropriate medical treatment. They remained in hospital until September, when they were taken to Bata prison. They were released under an amnesty on 12 October, without having been charged with an offence.

254. Laurentino Jesús Nsué and Federico Nsong Eyenga, industrial engineers working with the national electricity company, were reportedly arrested in early July 1993, accused of cutting the power supply in the area of Malabo before the President was about to make a speech. They were detained for over a week and allegedly severely beaten. Laurentino Jesús Nsué was said to have suffered a broken nose and multiple bruises. Federico Nsono Eyenga was allegedly beaten on the head, causing him to have convulsions and to spend several days in hospital.

Follow-up to cases previously transmitted

255. By the same letter the Special Rapporteur informed the Government that he had received new information concerning allegations previously transmitted to the Government.

256. In an urgent appeal dated 3 September 1993, the Special Rapporteur communicated to the Government concerns regarding the situations of Francisco Engono Micué and José Ramón Obamo, who were arrested in Bata on 31 August 1993. According to further information received by the Special Rapporteur, both detainees were ill-treated in custody before being released on 20 September 1993. Francisco Engono Micué was allegedly severely tortured and sustained serious injuries to his arms, feet, back and one eye. His arrest was said to have occurred three months after he had received threats from a senior government official in Bata that "something" might happen to him if his son, Father José Leis Engono, a Roman Catholic priest, did not stop criticizing the Government.

257. In an urgent appeal dated 14 September 1993, the Special Rapporteur communicated to the Government allegations according to which Tobías Obiang Nguema was being tortured in police headquaters in Malabo. According to information subsequently received, Tobías Obiang Nguema and five co-defendants, Sergeants Jacinto Nculu, Dámaso Ondó, and Miguel Ndjeng, Corporal Bonifacio Nsogo, and Private Lorenzo Nsué Ndong, were tried in secret by a military court in the barracks in which they were being held in Malabo between 30 September and 1 October 1993. According to eye-witness accounts all six defendants showed signs of torture during the trial. Jacinto Nculu allegedly was bruised all over his head, his wrists were broken, he was unstable on his feet, he had difficulty hearing what was being said and he was incoherent in his speech. Tobías Obiang Nguema was acquitted, while the other five defendants were convicted of conspiracy, incitement to rebellion and slandering and insulting the head of State and were sentenced to terms of imprisonment.

Urgent appeals transmitted and replies received

258. On 15 March 1994 the Special Rapporteur transmitted to the Government an urgent appeal on behalf of Norberto Mba Nze, a representative of the

Convergencia para la Democracia Social in Akonibe, who was detained on 28 February 1994 by a representative of the provincial governor. He was being held incommunicado at the police station where he was said to have been severely tortured, including by being beaten with a rifle butt and being forced to lie in the sun for hours. He was allegedly denied necessary medical assistance. On 27 May 1994 the Government informed the Special Rapporteur that Norberto Mba Nze during his detention had never been tortured or ill-treated.

259. The Special Rapporteur transmitted another urgent appeal on 10 October 1994 on behalf of Indalecio Abuy, Indalecio Eko and Tomás Nzo, members of the Convergencia para la Democracia Social. They were reportedly arrested on 6 October 1994 around Niefang, Río Muni, by a representative of the governor, the chief of police and several soldiers and police officers during a mission to gather information about the human rights situation in the region.

260. The Special Rapporteur sent an urgent appeal on 28 November 1994 on behalf of Jorge Ondó Esono and Antonio Abogo, members of the Convergencia para la Democracia Social, who were arrested in Akonibe, Rio Muni, on 19 November 1994 just before they were due to travel to Bata to attend a party converence. They were allegedly subjected every morning and evening to severe beatings of 50 strokes with one-metre-long rubber batons. In addition, Marcos Manuel Ngongo, who had travelled from Spain to participate in the conference, was reportedly detained on 23 November in Bata and it was feared that his health was in danger because he already suffered from a heart ailment.

Ethiopia

Urgent appeals

261. The Special Rapporteur made six urgent appeals on behalf of the persons mentioned in the following paragraphs. The dates on which the appeals were transmitted appear in brackets at the end of the corresponding summaries.

262. Elfinesh Kano, a professional singer, was detained on 31 December 1993 with over 30 people mainly of the Oromo ethnic group following a demonstration at the court in Addis Ababa. She was taken with other demonstrators to Sendafa Police College near Addis Ababa, where they were reportedly ill-treated and beaten. She was being held at Central prison in Addis Ababa. She was reportedly seriously ill as a result of beatings and denial of medical treatment and was in severe pain and able to walk only with difficulty (28 April 1994).

263. On 6 June 1994 the Government replied that Elfinesh Kano had been arrested pursuant to a court order when she was found obstructing the proper functioning of the court. The court found that a song she had recorded was against the Penal Code of Ethiopia and she was ordered to stay in detention, but was released on bail on 27 April 1994 upon her appeal. During her detention all her rights were fully protected and respected and she never underwent any violation of the right to physical and mental integrity.

264. The following persons were arrested along with eight other members of the Ogaden National Liberation Front (ONLF) by government troops in Godey: Hassan Jirreh Kalinle, former President of the Regional Assembly of Region Five (the Ogaden) and ONLF member; Ahmed Ali Dahir, former Vice-President of the Regional Assembly and ONLF representative; Shukri Yasin, mayor of Godey; Abdillahi Kalaas; and Hassan Mohamed Fara. Hassan Jirrih Kalinle and Ahmed Ali Dahir were reportedly transferred to Addis Ababa where they were being held incommunicado (20 May 1994).

265. Omar Mohamed Soyaan, Hassan Mohamed Issaq, Abdi Sheikh Omar, Bedel Abdi, Abdifatar Sheikh Mahamoud, Osman Abdi Hassan and Gabon Kenadid, reportedly members of the ONLF, were arrested by soldiers in May 1994 and detained in Kebri Dahar. Mirad Leli Sigale, mayor of Godey, who was arrested with them, was allegedly killed in detention a few days after the arrest. Fears were expressed for the safety of those persons still detained (26 August 1994).

266. The following persons were among hundreds arrested at a demonstration at the Central High Court in Addis Ababa on 20 September 1994: Yodit (Judith) Imru, former ambassador and sister of former Prime Minister *Ras* Michael Imru; Hirut (Ruth) Imru and Mammie Imru, sisters of *Ras* Michael Imru; Amarech Mengistu, United Nations employee (Economic Commission for Africa); Almas Haile-Mariam, official of the All-Amhara People's Organization (AAPO); Beletshachew Girma, the wife of a former AAPO official; Telela Kebede, a popular female singer; *Fitwari* Mammo Beshie; *Fitwari* Gebre-Hiwot Wolde-Hawariat, a former prisoner aged 70; Abate Agide, former ambassador; and Firesew Feleke, official of the opposition National Democratic Union and former prisoner. The demonstration was said to have been convened in support of Professor Asrat Woldeyes, Chairman of the AAPO who was serving a prison sentence and was on trial for another charge. The detainees were reportedly being held incommunicado in Sendafa Police College near Addis Ababa and had not been taken to court within the legally prescribed 48-hour period (26 September 1994).

267. On 12 December 1994 the Government replied that the above-named persons had been released on bail after a brief detention for participation in an illegal demonstration.

268. Lemma Sidamo, acting Vice-Chairman of the Sidama Liberation Movement (SLM), was arrested by soldiers at his home in Addis Ababa on 22 September 1994 and was not taken to court within the prescribed 48-hour time-limit. It was reported that he may have been taken to Awassa, the capital of the Sidama region (4 October 1994).

269. Merid Abebe, Chairman of the opposition Omo People's Democratic Union (OPDU), was arrested in Addis Ababa on 18 October 1994 and taken in custody to Jinka, the Omo region's capital. He was reportedly accused by the authorities of activities against the Transitional Charter, but the specific reasons for his arrests were unknown. Merid Abebe; Girma Bekelle, OPDU Vice-Chairman and an agriculture official; Dagne Belachaw; and Wessenu Gebeyehu, an Ethiopian Red Cross employee, were among 17 OPDU members arrested in Jinka in the last four weeks and detained without charge or trial. Some were allegedly tortured or ill-treated (21 October 1994).

France

Information transmitted to the Government

270. By letter dated 23 August 1994 the Special Rapporteur advised the Government that he had received information concerning Rachid Harfouche, a French national of Algerian descent. He was stopped by police on 10 December 1993 for an identity check at his flat in Noisy-le-Sec and was allegedly handcuffed behind the back, beaten with truncheons and dragged down the stairs. A blow to his thorax caused him to vomit. The police then cleared the hallway with tear gas after family and neighbours attempted to intervene. Outside, the officers allegedly kicked and beat him as he lay face-down on the ground. A doctor examined him the next day and issued a medical certificate after treatment in hospital which reportedly described a fractured nose and multiple injuries to his throat, chest, back, buttocks and wrists.

271. The Special Rapporteur transmitted a subsequent letter on 11 November 1994 advising the Government that he had received information indicating that police had tortured or ill-treated persons detained during street demonstrations in Paris in April 1993 launched in protest against the death in police custody of Makomé M'Bowole. The Special Rapporteur also transmitted the individual cases summarized in the following paragraphs.

272. Philippe Gibes and Salim Hadjadj were arrested on 7 April 1993 during the course of a demonstration in the 18th arrondissement that they witnessed but in which they reportedly did not participate. Philippe Gibes was allegedly punched and kicked by four or five plainclothes police and beaten with a truncheon by one of them. Salim Hadjadj was allegedly beaten repeatedly until he lost consciousness and was subjected to racist insults. They were taken to Goutte d'Or police station where the ill-treatment was said to continue. A duty doctor ordered Salim Hadjadj to be taken to emergency services.

273. Yves Zaparucha took part in the 7 April demonstration and upon returning home was detained by uniformed police officers, who allegedly kicked and punched him and beat him with truncheons. After he had urinated blood at the Grandes-Carrières police station, he was transferred to hospital where he remained until 13 April.

274. Philippe Lescaffette took part in the 7 April demonstration, during which police officers armed with clubs allegedly threw him to the ground and beat him. As a result, he received 24 stitches for facial injuries.

275. Thomas Darnal was arrested on 8 April 1993, allegedly thrown to the ground, kicked and repeatedly hit with truncheons, after which he was taken to the Mont-Cenis police station, beaten again and subjected to racist remarks. He was then transferred to Goutte d'Or police station where a plainclothes officer allegedly punched him in the testicles. He was later admitted to hospital where a medical certificate recorded that he had received four stitches to his eyebrow and a serious injury to his left hand.

276. The Special Rapporteur also received reports of ill-treatment by police at a demonstration in Bordeaux on 17 March 1994 in protest against a decree concerning minimum wage rates for young professionals. Jean Fuchs was arrested by two plainclothes officers and was allegedly kicked and punched in the mouth, which resulted in injuries to his nose and a broken tooth. Didier Loroche was reportedly stopped by two plainclothes officers who handed him over to the custody of the "intervention squads" (*brigades d'intervention*), who allegedly punched, kicked and beat him with a truncheon. A medical certificate noted a broken nose and various injuries to his eyes, chest, knees and thighs.

277. The Special Rapporteur also informed the Government that he had received reports according to which persons subjected to identity checks for the purpose of determining immigration status were sometimes subjected to ill-treatment.

278. Tameem Taqi, a French national and son of a former Bahraini diplomat, had his identity papers checked by police in a restaurant on 29 June 1993 after the police had been called over a dispute involving the bill. The dispute was settled, but after leaving the restaurant, Tameem Taqi was stopped by the same police officers and allegedly kicked, punched and beaten with truncheons. He was taken to hospital and the next day was seen by the prosecutor, who reportedly extended his custody and took no action to investigate his injuries. He filed a civil complaint against the officers for torture and the prosecutor for illegal arrest. Four police officers were said to have been indicted and a sergeant was remanded in custody for assault and battery.

279. Moufida Ksouri, a French national of Tunisian origin, was reportedly raped by two Italian police officers in the course of an identity check upon crossing the border at Menton-Ventimiglia into France on 15 July 1993. The officers then took her to the French border post, where a French police corporal allegedly assaulted her and forced her to have sexual relations with him in the toilets of the post. Another officer on duty at the post was said not to have participated in the assault. A French magistrate subsequently indicted both French police officers on charges of indecent behaviour. One officer was remanded in custody and the other was freed under judicial control. The two Italian officers were indicted and convicted by a court in San Remo. The investigation in France was reportedly still ongoing.

280. Pierre Kongo, a doctor from the Central African Republic, was reportedly stopped by two railway officers asking to see his ticket at the Gare du Nord in Paris on 15 February 1994. After informing them that he did not have a ticket because he was waiting for a friend, a police officer asked for his identity papers and he showed his Central African Republic passport. He was then allegedly pushed down the stairs leading to the rail offices, handcuffed and punched. He was hospitalized and a medical certificate was said to have recorded a fracture to his right eye-socket.

281. The Special Rapporteur also transmitted the cases summarized in the following paragraphs.

282. David Creygolles was arrested in Carcassonne on 10 February 1993 on suspected involvement in a drugs ring. He was held in detention by the Judicial Police, during which he was allegedly kept naked, threatened sexually, beaten around the ears, punched in the stomach and hit in the genitals with the wooden stem of a pipe used for smoking drugs. A medical examination was said to have confirmed the existence of injuries consistent with his complaint. On 10 February 1994, the *Chambre d'accusation* in Montpelier reportedly ordered that two officers of the Judicial Police who had interrogated David Creygolles be suspended.

283. José Etienne attempted to cross a main road without due care while intoxicated on 22 June 1993, whereupon he was reportedly stopped by uniformed officers in their car. One of the officers reportedly made a racist remark, to which José Etienne took offence. As a result, he was arrested and placed in the police vehicle and the officer who had insulted him allegedly pulled his hair and slapped him. He was taken to hospital for a blood test, and on the way back to the police station the same officer allegedly punched him, placed the barrel of a gun against his temple and threatened him using abusive and racist language. The next day a medical examination disclosed the presence of multiple contusions on his arms, elbow, left shoulder blade and right wrist. On 25 June he made an official complaint and an investigation was opened.

284. Benoit Fustier, an 18-year-old Corsican and member of the nationalist youth group A Conculta Ghjuventù, was arrested in Bastia on the night of 20 January 1994 and taken to the police station where he was charged with insulting an officer of the Compagnie républicaine de sécurité (CRS). He was allegedly slapped and punched, including in the region of the liver. After vomiting blood, he was transferred to hospital. He suffered from intense stomach pain, nausea, vertigo, headaches, a broken tooth and blood in the stool. He spent three days in hospital and on 31 January made a judicial complaint alleging assault and battery. An investigation was said to have been opened by the Public Prosecutor attached to the court in Bastia.

285. Abdelkader Slimani, a 16-year-old French citizen of Algerian descent, was stopped on 16 May 1994 by two police officers on motorbikes while riding his scooter near his home in Torcy. When he did not have his insurance papers in his possession, he was ordered to accompany the officers to the police station. He attempted to escape on his scooter but he fell off and then fled on foot. The police caught up with him and allegedly threw him to the ground and severely beat him, stopping only after a crowd had gathered. He was taken to hospital and on 17 May he reportedly underwent an operation to his peritoneum following a rupture to his small intestine. His parents were said to have made an official complaint of assault and battery to the court.

Georgia

Information transmitted to the Government

286. By letter dated 15 September the Special Rapporteur informed the Government that he had received reports concerning 19 alleged supporters of deposed former President Zviad Gamsakhurdia whose cases had been united into a single criminal case. According to the information, most of the men, arrested

between May and October 1992 on a variety of charges, had allegedly been tortured subsequent to arrest and during interrogation. The Special Rapporteur received information on the following individual situations:

287. Zurab Bardzimashvili, who before his detention suffered from epilepsy and wore braces on his right arm and leg, reportedly stabbed himself in the chest in a suicide attempt when officials surrounded his house in Tbilisi to arrest him on 5 October 1992. On the third day following his arrest the police came to the hospital where he had undergone an operation and allegedly kicked him in the chest where his wound was located. During his subsequent detention, he was allegedly subjected to torture by having needles placed in his leg and being kicked in the stomach. He was said to have sustained scars on his neck and on the calves of his legs. On 6 August 1994, during the trial, he began a dry hunger strike. A doctor visiting him in mid-August reported that he was unable to stand, his weight was low, and he demonstrated irregular breathing, a weak and arhythmic pulse, and a tremor of the arms and legs. Although he was moved to hospital in mid-August, he was said to have been returned to his cell in late August despite remaining in serious medical condition. His dry hunger strike was reportedly continuing.

288. Tamara Bardzimashvili, the daughter of Zurab Bardzimashvili, not herself a defendant in the case, was arrested by officers of the Information Intelligence Directorate on 7 October 1992. Officials allegedly demanded that she appear on television to condemn her father and other alleged supporters of former President Gamsakhurdia. After she refused, the officers allegedly beat her, hitting her three times in the chest and stomach and causing her to bleed. She was released the next morning and was warned that physical retribution would result if she told anybody about her ill-treatment.

289. Viktor Domukhovskii and Petre Gelbakhiani were reportedly abducted in Baky, Azerbaijan, on 6 April 1992, blindfolded and placed on an aircraft to Tbilisi. In the course of their transport they were allegedly severely beaten. Viktor Domukhovskii was said to have had his nose and teeth broken and sustained multiple bruises, while Petre Gelbakhiani sustained bruises and scars on his face. Viktor Domukhovskii was allegedly beaten severely again in early August 1994 during the trial period because he refused to give to police officers notes that he had compiled on the trial and as a result had difficulty standing at a subsequent court appearance. He was allegedly beaten again on 13 August by special militia forces (OMON). A cardiogram by an independent doctor reportedly revealed on 6 September that he had suffered a heart dystrophy.

290. Irakli Dokvadze was arrested on 4 September 1992 in Khvareli and at a police lock-up was allegedly beaten with rubber clubs, beaten on the soles of his feet, had his nose broken, and lost consciousness. He was later reportedly forced to make a video to air on television, for which make-up was used to conceal his broken nose. Over the course of two months he was allegedly subjected to repeated beatings. His children were reportedly brought into the detention centre, whereupon the inspector allegedly said, "If you want them to live, sign [a statement]." Threats were also made to throw a grenade into his house.

291. Zaza Tsiklauri was arrested on 7 August 1992 in Tbilisi and at the KGB building was allegedly beaten with fists and clubs, kicked, held upside down and beaten on the soles of his feet and on his head, causing him to lose consciousness. During a subsequent interrogation he allegedly had boiling water poured down the right side of his neck and back in order to get him to sign a statement. He was then reportedly forced to wear a shirt and heavy jacket against his burned skin and put in solitary confinement for a month. He was said to be running a high fever due to tuberculosis. A criminal investigation into the torture allegations was instituted but then dropped after he declined to testify for fear of his family's safety. The torture charges were said to have prompted the Chairman of the Information Intelligence Bureau to announce his intention to resign; however, the resignation did not occur.

292. Gedevan Gelbakhiani, a doctor in his sixties, was reportedly arrested in October 1992 in Tbilisi and brought to the Deputy Minister of Internal Affairs, whereupon members of the paramilitary group known as the "Mkhedrioni" allegedly beat him and knocked out two teeth. During detention from October 1992 to February 1993 he was woken up during the night repeatedly for beatings. Following particularly severe beatings on 4 to 6 February, he allegedly suffered permanent loss of hearing in his right ear and some loss of sight in his right eye. In 1994 he was held in a small hospital attached to the Tbilisi pre-trial detention facility, where doctors were said to approve interrogation sessions despite his poor medical condition.

293. Zurab Gogichashvili was reportedly detained by the militia of the Gldan region of Tbilisi on weapons possession charges. Upon denying the charges, he was allegedly subjected to torture and beatings, resulting in health problems, including damage to his lungs and decreased hearing.

294. Givi Kalmakhelidze was arrested and taken to the municipal police station of the Ministry of Internal Affairs of the City of Tbilisi and taken to Investigation Cell No. 1, where he was allegedly subjected to beatings.

295. Teimuraz Kapanadze was arrested in Tbilisi and allegedly beaten constantly during detention in the lock-up of the municipal militia from 5 to 16 October 1992.

296. By a subsequent letter dated 30 September 1994 the Special Rapporteur advised the Government that he had received information indicating that Irakli Gotsiridze, a newspaper editor over 70 years of age, had been arrested on 3 October 1993 after he had gone to a police station in Tbilisi to complain about the detention of two colleagues. He was allegedly beaten by members of the paramilitary or armed forces and as a result suffered fractured ribs. He was held for 36 days during which he was said to have been denied adequate medical care.

297. The Special Rapporteur also transmitted the case of Tamaz Kaladze, who was detained on 13 October 1993 by members of the paramilitary or armed forces after organizing a petition drive calling for the resignation of the Chairman of the Georgian Parliament. He was allegedly beaten, including around the head and on the balls of his feet, given electric shocks and had a plastic bag held over his head. He was said to have been released after 30 days.

Urgent appeals

298. The Special Rapporteur sent an urgent appeal on 20 July 1994 on behalf of Zaza Tsiklauri, whose case is summarized above. While undergoing treatment in hospital following a 30-day hunger strike, he was allegedly transferred back to prison as punishment for an unauthorized meeting with human rights activists in the hospital. Fears were expressed that the transfer had occurred despite a lack of improvement in his medical condition.

299. Another urgent appeal was transmitted on 19 August 1994 on behalf of Viktor Domukhovskii, Mamuka Danelia and Zurab Bardzimashvili, who were at risk of ill-treatment or lack of appropriate medical care. Viktor Domukhovskii was unable to stand in court due to beatings by police in his cell. Zurab Bardzimashvili was on a dry hunger strike since 6 August but had not been transferred from prison to hospital. Mamuka Danelia suffered from a deteriorating pre-existing condition in connection with head injuries.

Observations

300. While the allegations were well documented and, taken together, gave grounds for serious concern, the Special Rapporteur is conscious of the fact the above cases are the first transmitted to the Government and that the Government has had only had limited time to carry out the relevant inquiries. Accordingly, he will refrain from making concluding observations in the present report.

Germany

Information transmitted to the Government and replies received

301. By letter dated 20 April 1994 the Special Rapporteur advised the Government of allegations he had received regarding Abdulkerim Balikci, a Turkish citizen who had been residing in Germany for three years. He was arrested on 3 August 1993 in the Charlottenburg district of Berlin by policemen who requested his identity documents. After informing the policemen that he did not have the documents in his possession, he was allegedly pushed against a wall and handcuffed on the wrist. He tried to struggle free, but was allegedly pushed to the ground, strangled and kicked on the side of the head. He was then beaten around the head and right shoulder in a vehicle on the way to the Bismarckstrasse police station. At the station, his nose began to bleed heavily, he was asked if he needed a doctor and although he replied in the affirmative, no doctor ever arrived. He was released a few hours later and visited his own doctor, who reportedly identified the following injuries: multiple bruising of the face, left elbow, both wrists, right knee, chest and lower back; multiple abrasions to the right cheek and eyebrow as well as to the right knee; and bruising caused by strangulation.

302. On 30 August 1994 the Government replied that two plainclothes officers had requested identification from Mr. Balikci after an observer who believed him to appear suspicious had called the police. He had tried to escape, but was prevented from doing so by the officers and in the ensuing tussle they fell to the ground. He continued to try to tear himself free and escape and additional police who arrived on the scene got Mr. Balikci into a police car.

The charges Mr. Balikci made against the police officers were not confirmed by investigations undertaken by the public prosecutor's office at Berlin Regional Court and in accordance with the Code of Criminal Procedure the investigation was discontinued.

Guatemala

Urgent appeals

303. The Special Rapporteur transmitted three urgent appeals to the Government described in the following paragraphs. The dates on which the appeals were transmitted appear in brackets after the corresponding summaries.

304. Gilberto Moral Caal, a trade unionist, was reportedly arrested around 5 April 1994 by members of the army during a wave of arrests in the town of San Cristobal Verapaz, in the department of Alta Verapaz. He was taken to the area 21 military post. A person who had been detained a few days earlier under similar circumstances, Jorge Alberto Caal, was reported to have been severely tortured (15 April 1994).

305. Arturo Federico Méndez Ortiz and Alfonso Morales Jiménez, members of the Peasants' Unity Committee (CUC), were arrested on 22 April 1994 by members of the national police in the municipality of Huehuetenango. They were reportedly accused of the murder of a local leader of the Civilian Self-Defence Patrols (PAC), although no firm evidence had been submitted in that regard. Mr. Morales Jiménez was allegedly tied to a post and beaten at the time of his arrest (5 May 1994).

306. Víctor Chavac Puluc, José Rosa Morales Secaida, Luis Estuardo García, Luis Alfredo Véliz Vázquez, Fredy Armando Herrera Castillo, Mario Elmer Sosa, Edin Pedroza Gatica, William René Bor Tacatic and Rigoberto Yoc were allegedly forcibly recruited by the armed forces in the town of San Juan Sacatépequez, department of Guatemala. Following a habeas corpus petition by family members, they appeared before a municipal judge on 18 June 1994 in the Cuartel General General Mariscal Zabala. They were being kept in detention and allegedly immersed for hours in water and made to perform gruelling physical exercises to force them to declare that they had enlisted in the army voluntarily (24 June 1994).

Haiti

Urgent appeals

307. The Special Rapporteur made six urgent appeals to the de facto Government on behalf of the persons mentioned in the following paragraphs. The dates on which the appeals were transmitted appear in brackets at the end of the corresponding summaries.

308. Members of the security forces and attachés, reportedly looking for a certain Amio Metayer in the Raboteau district, Gonaïves, searched several houses and severely beat the following persons, including a number of children: Elysia Pierre, Innocent Jeanty, Tamar Jeanty, Anize Jeanty (aged 10), Anièze Jeanty (aged 10), Mirlène Jeanty (aged 8), Michèle Jeanty,

Anne-Rose Jeanty (aged 8), Talicienne Dazme, Wilfram Jeanty (aged 6), Lumène Dazme, Lucienne Dazme (aged 14), Charlisma Dazme, Dary Calixte (aged 12), Jocelyne Jeanty (aged 4), Gracita Canel (aged 8), Thérèse Jeanty (aged 15), Kesny Sylvestre (aged 5), Junior Menard (aged 2), Lizina Laudius (aged 11), Almerida Chery, Evens Joseph (aged 12), Raymonde Metayer, Francklin Joseph (aged 10), Fritz Joseph, Frislène Joseph , Linda Joseph, Evallière Bornelus, Raymonde Joseph (pregnant), Louisinia Jean, Amio Metayer, and Ketteline Cezalien. In recent months, other incidents were reported in which the armed forces made arrests without a warrant in Raboteau and subjected the detainees to ill-treatment. In those circumstances, fears were expressed about torture or ill-treatment to which the inhabitants of this district might again be subjected (27 January 1994).

309. The following persons were among a group of 141 reportedly intercepted at sea by United States coastguard patrols while trying to sail to the United States from Port-de-Paix: Selm Dieucet, Enalio Laurelus, Philocles Frederick, Odonel Pierre, Presandor Pierre, Georges François, Selon Laurent, Micilien Petit, and Smith St. Fort. They were repatriated on 26 February 1994 to Port-au-Prince where, on arrival, they were allegedly arrested by members of the armed forces (11 March 1994).

310. Jean François Molière, a member of the Komité Inisyativ Kont Represyon nan Pon Sonde (KIREPS), was reportedly arrested by military personnel on 24 March 1994 at St. Marc, department of Artibonite, and charged with possession of a firearm belonging to a military attaché. The weapon, however, had reportedly been handed over by members of KIREPS to the authorities in Port-au-Prince. Mr. Molière was being detained at the military barracks in St. Marc, where he allegedly had been tortured and refused all medical treatment (8 April 1994).

311. Belizaire Fils-Aimé, a magistrate and member of the National Front for Change and Democracy (FNCD), was reportedly arrested on 10 April 1994 by members of the armed forces at his home in Le Borgne, Nord department, along with his wife, Janide François, his father-in-law, Mr. Talleyrand François, his mother-in-law, Mrs. Talleyrand François, his aunt, Florvil Saintvil, and five other persons. Mr. Belizaire Fils-Aimé was taken to Limbé barracks and allegedly beaten so severely that he required urgent medical attention. The other persons were detained in Le Borgne barracks and fears were expressed that they might also be subjected to torture or ill-treatment (19 April 1994).

312. Balaguer Metayer, aged 17, was reportedly arrested at Raboteau on 20 November 1993 and kept in prison at Gonaïves. He had allegedly been refused all contact with his family and lawyer, had been severely beaten and had received no treatment for his injuries (26 April 1994).

313. Gardy le Blanc, a member of the Organization for the Defence of the Interests of Nippes, was reportedly arrested by soldiers on 17 August 1994 at his house in Miragoane, Grande-Anse department. He was said to have been taken to the military barracks and beaten in detention (23 August 1994).

Observations

314. The Special Rapporteur hopes that, with the return of the de jure Government, the hitherto endemic problem of torture in Haiti will become a thing of the past. It will be incumbent on the Government to ensure that there is a full investigation of the practice of torture, that those responsible are identified and brought to justice and that reparation involving fair and adequate compensation, including the means for as full a rehabilitation as possible, is afforded the victims of torture.

Hungary

Information transmitted to the Government

315. By letter dated 20 April 1994 the Special Rapporteur advised the Government that he had received information according to which dozens of Roma were ill-treated on 21 May 1993 in Őrkény when a group of police officers searched houses after a German national had been robbed in a nearby motel. Police were said to have used force indiscriminately, beating and spraying the Roma neighbourhood with tear-gas. The following individuals were among those injured in the incident:

316. Lakatos Lászlóné was allegedly beaten and had tear gas sprayed in her face, as a result of which she fainted and was taken to hospital.

317. Fehér Péterné, five months pregnant, was allegedly beaten and sprayed with tear gas. She later required medical treatment for injuries suffered as a result of the ill-treatment and lost her child.

318. Radics Krisztián, aged 13, was reportedly taken to the police station in Dabas and locked in a cell from 9 p.m. until 1.30 a.m., when his mother found him unconscious, allegedly as a result of beatings by the police. The bruises on his body were described in a medical certificate issued after the incident.

319. The Special Rapporteur also informed the Government of allegations he had received in the case of Mohammed Radwan, a Jordanian national arrested on 14 October 1993 in Budapest on illegal substance charges. Police allegedly pulled a hood over his head, pushed him against a police car and kicked and beat him. He was taken to hospital the next evening and had to undergo an operation for the removal of his ruptured right testicle.

320. The Special Rapporteur also sent information alleging frequent ill-treatment of foreign nationals in the Kerepestarcsa detention camp near Budapest, where they were held while pending deportation or processing of their asylum applications. On 17 April 1992, Kennedy Martins Anukam, a Nigerian, was brought by the Budapest police to the camp, despite the fact that he had a valid Hungarian work permit. He was allegedly taken the next day from the dormitory by two police officers to a room where he was beaten with truncheons and planks and kicked until he lost consciousness.

321. Finally, the Special Rapporteur transmitted the following cases of alleged ill-treatment inflicted on persons of foreign origin in the 5th district police station in Budapest:

(a) Masri Ali Maher was arrested at Vaci utca on 30 December 1992 and allegedly severely beaten by several officers at the police station. He was then taken to another room where other detainees were held and told to take his clothes off. He was ridiculed and then told to squat, whereupon the officers kicked him repeatedly and made him fall on his back. As a result of the beatings, he allegedly sustained a fracture of the metacarpal bone in his right hand as well as contusions on his back and chest;

(b) Ussama Khaled Awad was arrested on 31 December 1992 at Vaci utca. At the police station he was allegedly threatened with a pistol and severely beaten by four officers for an hour, after which he was released. He was said to have received medical treatment at a hospital for contusions on his chest, right thigh and right forearm.

India

Information transmitted to the Government and replies received thereon

322. By letter dated 28 June 1994 the Special Rapporteur informed the Government that he had received reports alleging that custodial torture was practised by the police in many regions of India. The reports suggested that torture was primarily employed to extract confessions or other information from criminal suspects. In some cases, police officials were said to practise torture as an extra-legal method of inflicting punishment. A substantial number of incidents of torture allegedly ended with the death of the victim.

323. The reports also indicated that police officials had employed a wide variety of torture techniques, including prolonged and repeated beatings, often with canes and leather straps; electric shock, applied to the victim's genitals, head, ears and legs; deprivation of food and water; tying the victim's hands behind the back and suspending the victim from the ceiling by the legs; the stretching of limbs, including pulling the victim's legs far apart so as to cause pelvic injury; and exposing the victim while naked to extreme heat or cold.

324. The cases summarized in the following paragraphs were transmitted to the Government. On 23 November 1994 the Government replied to some of these cases and those responses are summarized below following the corresponding allegation.

325. Sherpal, a resident of Rohina Singhpur village, Akrabad district, Aligarh, Uttar Pradesh, his wife Kamlesh, and his 80-year-old father Ram Chander were arrested by police on 4 February 1994 and beaten. Kamlesh was released on the same day, while Ram Chander allegedly was subjected to three weeks of interrogation accompanied by repeated beatings. When Kamlesh returned to the police station on 1 March to obtain the release of Sherpal, she observed that he had suffered severe head injuries. She was told that he would appear in court, but police at Avagarh subsequently told Kamlesh that her husband had escaped, although such escape seemed improbable considering the extent of his injuries. He was said to have been "disappeared".

326. On 23 November 1994 the Government replied that following the filing of a habeas corpus petition in the Supreme Court by Ram Chander alleging torture of

himself and Sherpal and the possible murder of Sherpal, the Supreme Court ordered that Sherpal be produced. Sherpal was produced in the Court on 18 May 1994, the station house officers concerned were found prima facie to be guilty of offences under sections 344 and 300 of the Indian Penal Code, and orders were issued for prosecution and departmental action against them. The Deputy Superintendent of Police was found guilty of lack of supervision and was censured.

327. Udayan, from Kalladikode village, Palakkad district, Kerala, was arrested on 19 January 1994 and taken to Mannarghat police station. He reportedly told his brothers who visited him the following morning that he had been severely tortured. When the brothers returned three hours later to the station, they were told that he had hanged himself using his lungi. Kerala civil liberties organizations investigating the incident determined that it would have been impossible under the circumstances for Udayan to have hanged himself.

328. Pochamma, a tribal girl from Mehangar village, Andhra Pradesh, was allegedly slapped in the face by police and taken into custody in Pochampally, Nalgonda district, on 13 September 1993. She died in hospital on 17 September 1993, reportedly as a result of police torture in detention. The Government informed the Special Rapporteur that an inquiry was in progress.

329. Khader Baba died in police custody in Khaman district, Andhra Pradesh, on 17 September 1993. His body was said to have been riddled with marks indicating severe injury and two of his ribs were fractured. The Government stated that a judicial inquiry was in progress and that the concerned sub-inspector of police and police constable had been suspended pending the outcome.

330. The Special Rapporteur also informed the Government of reports he had received indicating that the risk of torture to those taken into the custody of police or security forces appeared particularly grave for persons detained for political reasons. The authorities were said to use torture techniques to extract information or to facilitate counter-insurgency operations, particularly in the regions of Punjab and Jammu and Kashmir. Another alleged goal of such techniques was to discourage the population from supporting opposition political groups.

331. Kanwar Singh Dhami, a leader of the Sikh separatist organization AKAL, speaking on 29 March 1994 at a press conference in Chandigarh, Punjab, arranged by the Director of Police to allow him publicly to surrender, alleged that he, his pregnant wife Kuldip Kaur, and their six-year-old son were held in illegal and unacknowledged detention for 10 months and tortured in each other's presence. Limping at the press conference, he was said to have alleged that the authorities had threatened to kill his family and expressed fears that they would do so.

332. Noodin Chaudry, from Jumagandh village, Kupwara, was arrested at his home on 6 February 1993 by soldiers belonging to the Madras 25th regiment. He was detained for six days, during which time he allegedly was severely beaten and deprived of food.

333. Mohamed Hanif, from Jumagandh village, Kupwara, was arrested at his home on 18 February 1993 by soldiers of the Madras 25th regiment. For four days he was allegedly subjected to beatings, suspended from the ceiling and made to lie on blocks of ice.

334. The Special Rapporteur further transmitted information according to which the practice of custodial rape by members of the police and security forces occurred with frequency. In areas of internal conflict and disturbances, particularly in Jammu and Kashmir, the practice was reported to be systematic. In such a context, the impetus for custodial rape appeared to stem from political and strategic considerations, whereby pacification was sought through the intimidation and degradation of the target population. Rape was also allegedly used as a means of collective punishment, as when the mass detention of males in a community was preceded by multiple rapes of their spouses during house-to-house searches. While India had codified proscriptions against rape in its penal law, including that against custodial rape in the 1983 Criminal Law (Amendment) Act, allegations of rape against members of the police or security forces reportedly seldom resulted in prosecutions or convictions.

335. The Special Rapporteur informed the Government that he had received allegations of rape in the cases described in the following paragraphs.

336. Vijaya, aged 17, from Athiur village in the South Arcot district of Tamil Nadu, was taken to Pondicherry police station on 29 July 1993 for questioning related to allegations against her brother, whereupon she was allegedly raped by five police constables in a cattle shed. The Sub-Inspector at the local Ananthapuram police station was said to have refused to register a rape complaint. Her complaint was registered 15 days after the alleged incident in response to persistent appeals. No medical examination was conducted until 17 days after the incident, by which time it was too late to make a definitive medical determination as to whether rape had occurred.

337. Sara, wife of Mohammad Rajab Ganai, was reportedly raped and killed by members of the security forces on 22 November 1993 in Warapora, Sopore, Jammu and Kashmir. Witnesses reported that while her husband was away, Sara was approached by five soldiers and that the soldiers returned to her home later in the day. Residents later discovered her body with clothes torn off and numerous marks indicative of violent rape. A post-mortem report was said to have revealed an extensive vaginal tear and concluded that death was due to asphyxiation from strangulation. According to the Government, in the course of police investigations no clue had been found regarding the cause of death of Sara and the case had therefore been closed.

338. Sabita was one of 9 to 20 women allegedly gang-raped at gunpoint by police in front of children and relatives on 27 October 1993 in a Scheduled Caste village in Jagasinghpur, Orissa. The women had taken refuge in the house after an altercation the previous day in the course of a police operation aimed at making arrests in connection with a land dispute. The National Commission of Women reportedly conducted an investigation and concluded that the policemen had committed rape and the Chief Minister of Orissa on 12 November 1993 reportedly ordered an inquiry into the incident.

339. The Special Rapporteur sent an additional letter on 10 October 1994 advising the Government he had continued to receive information according to which torture by the police, the paramilitary and the army was pervasive in each of the 25 States of India. A significant number of detained persons were said to have died as a result of police torture, most of them criminal suspects who had been tortured in order to extract confessions or other information. Torture was also said to have been employed in order to carry out "instant punishment" as a surrogate for judicially imposed punishment, which was commonly perceived by many police officers as cumbersome and ineffective. A further alleged motive for torture was to secure bribes. The information indicated a high incidence of cover-ups with regard to torture cases involving senior police, State officials, magistrates, and members of the medical profession.

340. Redress by torture victims or their families was reported to be difficult to obtain, as in most cases no decisive action would be taken by authorities to investigate or bring the perpetrators to justice. In many instances, alleged perpetrators were suspended or transferred, but few police officers were charged and even fewer were convicted for the torture of detainees in police custody. Magisterial inquiries, which are legally obligatory in all cases of custodial deaths, were said frequently not to be held, and when they were held their reports were said to be often inconclusive and rarely made public. The magistrates were said to have limited power of investigation and were forced to rely on evidence provided by the police.

341. The National Human Rights Commission (NHRC), established by presidential ordinance in September 1993, reportedly lacked independent investigative machinery, having to rely on investigative staff provided by the Government who operated under the supervision of the Director-General of Police. The Commission was said to have taken a number of constructive measures, such as issuing a directive to district magistrates and superintendents of police to report all cases of custodial deaths and rape involving the police to the Commission within 24 hours of their occurrence or of the case having come to their knowledge. The mandate of the Commission, however, was reportedly limited to asking for a report from the Government on alleged human rights violations and there was no obligation on the part of the Government to proceed with or to publish any of the Commission's recommendations. The Government was said to be considering adoption of a legal amendment that would provide for judicial inquiries into all cases of deaths in custody.

342. Particular allegations were received with regard to police procedures in Bombay. It was alleged that a substantial number of persons were held in Bombay police stations without any record of their detention being made by the police. The practice of unrecorded police detentions was said to be conducive to torture and ill-treatment. Many detainees were reportedly held well beyond the 24-hour period within which a person must be brought before a magistrate, and many were never brought before a magistrate at all. Despite constitutional guarantees of the right to consult with a lawyer during interrogation, lawyers were said to be routinely denied access to persons held in police custody. Relatives of detainees were also reported to be denied such access. Such incommunicado detention was said to be conducive to torture. In addition, magistrates reportedly are able to remand a person to police custody for up to 15 days and thereafter to judicial custody for up

to 60 or 90 days, depending upon the offence. In Maharashtra, police making arrests without warrants to prevent the commission of cognizable offences were said to be able to detain persons for up to 30 days, and under the provisions of the Terrorist and Disruptive Activities (Prevention) Act (TADA), remand for up to 60 days was permitted. It was during these initial detention and remand periods that persons were said to be vulnerable to torture.

343. The Government transmitted a reply to these general allegations on 23 November 1994, stating that existing constitutional and legal provisions provided an elaborate framework of safeguards. The NHRC has wide-ranging powers, including those to require any person to furnish information in an inquiry, to enter buildings and seize documents and to approach the Supreme Court or High Court for direction. In addition, the Home Ministry and State Governments had established Human Rights Cells (HRC), whose function was to monitor custodial crimes.

344. The Government had also recently proposed amendments to the Code of Criminal Procedure and introduced them in Parliament in May 1994. These include: prohibition on the arrest of women after sunset or before sunrise except in unavoidable circumstances; the requirement that an arresting police officer give information of the arrest and place of detention to such persons as may be nominated by the arrested person; the requirement that a copy of the report of the medical examination be furnished to the arrested person or to his or her nominee; the requirement of a judicial magisterial inquiry in cases of death, disappearance or rape in custody and the requirement that a post-mortem be carried out within 24 hours of custodial death.

345. The Government also notified the Special Rapporteur that on 1 June 1994 the Supreme Court had issued the following guidelines: an arrested person held in custody is entitled to have a person known to him told, as far as is practicable, of the arrest and place of detention; a police officer shall inform the arrested person of this right when he is brought to the police station; and an entry must be made in the police diary as to who was informed of the arrest. The Government had also made efforts in the induction and "on-service" training programmes to sensitize police officers to the use of scientific investigation methods; instructions for ensuring treatment of persons in custody in accordance with due process of law were re-emphasized; and interrogation rooms were being relocated to make them visible and closer to the reporting rooms to minimize the scope for violations.

346. As to allegations regarding the police procedures in Bombay, the practice of unrecorded or illegal detention had always been discouraged by senior police officers. Supervisory officials have been issued instructions to pay surprise visits to police stations, check the lock-up and consult the arrest register to ensure that there were no illegal detentions. Such visits are also made to ascertain whether persons in the lock-up are being treated humanely and whether procedures with respect to them have been followed in a proper and timely fashion. As to access by lawyers, the Bombay Police Manual provides that interviews can be refused only when a lawyer insists on visits "at any time that suits him", if the police have reason to believe that the lawyer has abused his right of access or when there is reason to believe that

the ends of justice might be defeated or suffer by such access. While denials of access to relatives may have occurred, it is incorrect that such denial is routine or standard.

347. The warrantless arrest provision in Maharashtra still requires the arrested person to be brought before a magistrate within 24 hours and again after 15 days. Persons held under TADA, temporary legislation subject to biennial parliamentary review, must also be brought before a magistrate within 24 hours of arrest and the maximum period of remand has been reduced from one year to 180 days, after which bail is a statutory entitlement. Bail is available at all times upon application and 80 per cent of detainees have been granted bail. TADA was being reviewed by committees at the central level and in the States where it has been invoked, and the registration of cases and prosecutions under the act now requires specific approval at a high level.

348. The Special Rapporteur transmitted to the Government the cases of alleged custodial death resulting from torture which are summarized in the following paragraphs. Where the Government has provided replies, they are also summarized.

349. Madan Lal, from Pandav Nagar, West Delhi, was arrested on 29 November 1993, allegedly beaten at the police station, and declared dead on arrival two hours later at Deen Dayal Upadhaya Hospital. A post-mortem found no external injuries, but his brother had observed marks on his back. The three constables who had arrested him and the Assistant Superintendent of Patel Nagar police station were reportedly suspended. In June 1994 the NHRC recommended that interim compensation be paid to Madan Lal's dependents and that investigations be conducted by an additional and sessions magistrate and the Central Bureau of Investigation (CBI). The investigating additional and sessions magistrate concluded that Madan Lal had died of injuries sustained while in police custody. The result of the CBI investigation was unknown.

350. Gyani Ram, from Karamgarh village, Narwana, Jind district, was arrested by police from City police station, Narwana, on suspicion of selling drugs. Although no drugs were found in his possession, he was taken to the police station. He died in the Government Hospital, Narwana, on 9 November 1993 after having made a statement alleging that he had been beaten by a constable and a cook from the police station. The police were said to maintain that Gyani Ram had taken tablets which poisoned him. An investigation was said to have been carried out by the Station House Officer (SHO) of the City police station and the constable and the cook were charged with murder. The Government informed the Special Rapporteur that the accused constable and cook had been released on bail and were facing trial before the district and session judge.

351. Babu, alias Iqbal, from Bangalore, Karnataka, was arrested by police in early July 1993 and taken to a lock-up in Bangalore city. He was pronounced dead at the City Hospital in Bangalore on 11 July 1993, having allegedly been tortured to death. The police allegedly offered his wife payment to remain silent about the death while officially attributing the death to epilepsy. The City Police Commissioner was said to have arrested a superintendent of police in connection with the incident, but he was released on bail the following day. The Government replied that the case was still

under investigation, but that the Karnataka High Court had stayed an investigation by the corps of detectives and that the matter was subjudice.

352. Dilbagh Singh and his brother Kashmir Singh were arrested at their Bombay office by Punjab police on 3 July 1993. A delegation from a Sikh organization visiting them in detention the following day observed that Dilbagh Singh appeared dazed and bore the marks of severe assault. On 6 July Dilbagh Singh was allegedly killed by being thrown from a moving train at Ratlam and Kashmir Singh was released at Kota station. Both men had allegedly been severely tortured in police custody in Bombay. Kashmir Singh filed a complaint with the Bombay police who registered a First Information Report against some Punjab policemen. The results of the investigations were unknown. The Government informed the Special Rapporteur that Dilbagh Singh had accidentally fallen from the railway compartment and that further inquiries were being made.

353. Raju Bhujel died in police custody in Tura, Meghalaya, on 30 July 1993, allegedly as a result of torture. Some people had observed a police driver trampling the corpse. One police officer reportedly claimed that Raju Bhujel had been drunk and had fallen from a tree, while another officer maintained that he had jumped from the first floor of the police station in a drunken state. The Home Minister of the Meghalaya Government granted Rs 10,000 compensation to the family of Raju Bhujel and ordered a magisterial inquiry into the death, and a police driver was suspended. The results of the inquiry were unknown.

354. Wilson, from Royapettah, Tamil Nadu, was arrested by police on 22 June 1993, was allegedly tortured and died in hospital the next day, his body bearing the marks of deep wounds. His family requested the Chief Minister of Tamil Nadu, the Commissioner of Police and the Chief Secretary of Tamil Nadu to carry out an inquiry, but it was unknown whether any inquiry had in fact been undertaken. According to the reply of the Government, an inquiry revealed that E.2 Royapattah police personnel had beaten Wilson with sticks and iron pipes without reason and had prima facie committed murder. The Collector of Madras was requested to prosecute the policemen concerned and the Director-General of Police was directed to arrest the persons and suspend them.

355. Ram Singh, from Avamau village, Malihabad, Uttar Pradesh, was allegedly beaten unconscious in July 1993 by a sub-inspector and two constables in front of several villagers and died in custody after further beatings at Krishna Nagar police station. His body was found in the Sai river on 27 July 1993. Officials were said to have told his mother that he had escaped on the way to the police station. It was unknown if any investigation had been carried out. The Government informed the Special Rapporteur that preliminary inquiries had revealed that Ram Singh was in fact beaten and tortured in the presence of many villagers. An inquiry by the Deputy Superintendent of Police led to the suspension of two sub-inspectors and the transfer of four constables. A criminal case was registered against these police and the investigation has been entrusted to the Crime Branch of the Criminal Investigation Department of the State of Uttar Pradesh. The case was still under investigation.

356. Ganesh Bauri was arrested in West Bengal on 5 July 1993 and the next morning was sent to hospital in critical condition with multiple injuries to his body. He was returned to jail on the same day, but his condition was such that he was sent directly to hospital at Asanol jail, where he died shortly after admission. A post-mortem examination, ordered by a magistrate, indicated that he had died due to strain on a hernia. His brother was said to have seen torture marks on his body and to have denied that he had been suffering from a hernia.

357. Bhagwan Das died in Tihar jail, Delhi, on 14 August 1993, having allegedly been tortured to death. Family members were said to have seen his body at Tis Hazari mortuary with the lower part soaked in blood, a rope tied around the neck and scars on the chest. The Inspector General of Prisons maintained that Bhagwan Das had committed suicide. A post-mortem examination was carried out, the results of which were unknown. A sub-divisional magistrate (SDM) investigated the death, but the results of that investigation were also unknown. The Government informed the Special Rapporteur that Das Bhagwan had committed suicide with a bed sheet.

358. Deepak Ram, from Bihar, was arrested on 19 May 1993 and allegedly beaten to death at Sector 20 police station in Delhi. A post-mortem report indicated that a road accident had caused his death. The chief judicial magistrate found a driver guilty of Deepak Ram's death, but noted that three sub-inspectors might be arrested for murder once the findings of the departmental inquiry were known. In August, a Criminal Investigation Department (CID) inquiry was ordered into the death, the results of which were unknown.

359. Ashok, from Jehangirpuri, was detained along with six relatives on 9 February 1993 by local police and was allegedly beaten and deprived of water, food and sleep for two days. A relative who was released on 23 February alleged that Ashok had on that date been in critical condition, unable to sit or take solid food. He was taken to a local hospital by police and on 10 March sent to Rohtak Medical Hospital, where he died on 20 March.

360. Satyavan, from Jharoda Kalan village, Delhi, was arrested on 24 February 1993 in connection with a banned political rally, but was let go after paying police one quarter of the Rs 50,000 sum that they had allegedly demanded for his release. He was re-arrested, along with two friends, on 2 March by the head constable and the SHO of the Najafgarh police station. He allegedly died of torture later that day in Najafgarh police station and his friends were made to carry his body back to the village. After a protest at his death involving hundreds of people, the SHO and head constable were suspended. The investigating SDM reportedly found that Satyavan had died due to "torture by guardians of the law" and recommended the prosecution of at least two officials. In December 1993, the former SHO and two accused policemen were released on bail by the sessions judge of Hazari court and although the SHO was re-arrested two days later, no criminal charges of murder were said to have been brought. The Government has informed the Special Rapporteur that the case was pending trial in the court.

361. Vikal Kumar Adhana, an assistant in the Ministry of Finance from Tigaon, Faridabad, Haryana was arrested on 23 February 1993 by the CBI and taken to

Lodhi Colony police station. The police were said to have made no entry of the arrest in their daily diary. He was reportedly found dead in the lock-up the following morning, allegedly having been tortured to death. A police report determined that he had hung himself using thin rope made from strings taken from a floor mat. Inquest records noted his hanging and listed several injuries on his body indicative of torture. The Delhi High Court was said to have ordered an inquiry into whether the death was suicide or was due to torture. According to the Government a judicial inquiry was under way. The report of the SDM had found two head constables liable for negligence while on duty, and these officers have been suspended and a departmental inquiry has been ordered.

362. Bhura, of Medana Muvada, Gujurat, was detained by two forest watchmen who believed him to be a thief in the Forest Department of Zer district in January 1993 and was taken to Khanpur, where custody was relinquished to the forest ranger. Witnesses were said to have seen the ranger beat Bhura unconscious with an iron pipe. He was taken unconscious into the ranger's office, and never seen again. A case of illegal confinement was registered by local police against the ranger. Those accused were reportedly granted anticipatory bail and two forest officials were transferred.

363. Arunachalam was taken into police custody in Karnataka in August 1993 after he had hit a pedestrian while travelling on his motorcycle. Thirty minutes after being taken into custody, he was taken to hospital where he was declared dead on arrival. Injuries on his body, including deep cuts on his chin and cheek, indicated that he had been beaten by police, but the police reported that he had died of epilepsy. An executive magistrate was asked to conduct an inquiry into the death, the results of which were unknown. The Government replied that Arunachalam had neither been arrested nor harassed by the police, but had come to the station to report the accident on his own accord. A final report was sent to the court treating the death as accidental.

364. Nanjunda was taken into the custody of Mahalakshmi Layout police station in Karnataka and allegedly died in police custody on 23 March 1993 as a result of torture. The Chief Minister was said to have announced a CID inquiry into his death and to have told the State Assembly that he would personally inquire into the incident. The Government replied that while in detention Nanjunda attempted to commit suicide by hanging himself with a piece of bed sheet and that police had stopped him and taken him to the hospital, where he died. A Writ Petition was filed in the High Court of Karanataka, which had stayed further proceedings, leaving the matter subjudice.

365. Vidyadharan, President of a Congress Party "reformist" group, from Karthikapally, Haripad Taluk, Alappuza district in Kerala, was arrested by police on 18 February 1993 in connection with a death in his family. He was allegedly tortured in police custody and rushed to Haripad government hospital, where he was declared dead on arrival. The police official responsible for his arrest was reportedly suspended. The Government replied that Vidyadharan had in fact been arrested on 17 February and during detention at Haripad police station was shivering and tried to bang his head on the grills of the lock-up room. Preliminary inquiries revealed that his injury was self-inflicted, but a criminal case had been transferred to the Crime

Branch and a team of officers under the supervision of the Deputy Inspector General of police was conducting an investigation. The sub-inspector of Thrikkunnapuzha police station, where Vidyadharan had initially been taken, and the Circle Inspector of Haripad police station have been placed under suspension for negligence and dereliction of duty which led to the prisoner inflicting fatal injury on himself.

366. Kishanlal Agrawal, from Bhopal, was picked up by police on 15 December 1993 and later died, allegedly after being beaten in Piplani police station. Members of the opposition of the State Assembly were said to have walked out in protest against his death. Three police officials were suspended and the Director-General of police indicated that cases would be filed against the three when the results of a medico-legal report were known. A magisterial inquiry and an inquiry by the Criminal Investigative Agency were ordered, the results of which were unknown.

367. Chandrasekhar was taken to Odianchalai police station in Pondicherry on 29 December 1993, where he subsequently died, allegedly as the result of torture. The police reported that he was drunk when they picked him up on the roadside. The NHRC was said to have ordered a judicial inquiry into the death. The Government replied that an inquiry conducted by the SDM and a second post-mortem report had revealed that the deceased had been assaulted. Five police officials have been suspended and a charge sheet would be filed in court after a perusal of the file by the Public Prosecutor.

368. Venkatesan, a forest watcher at Sandavasal, Tiruvanamalai-Sambuvarayar, was arrested on 25 February 1993 by the Assistant Conservator of Forests and detained in the Sandavasal forest range office. He died on the way to Vellore General Hospital, allegedly as the result of torture. A First Information Report registered at Sandavasal police station by a Sandavasal range officer states that he may have died from poisoning, but a post-mortem examination ruled out poisoning and stated that he had died after a "heavy thrashing". Three forest range staff were said to have been suspended. The Government replied that the suspended forest officers had filed an application before the Tamil Nadu Administrative Tribunal against the suspension orders and that body had ordered reinstatement of the officers in service elsewhere until the investigation was over. The High Court granted anticipatory bail to the officers. Investigations by the CB and CID were progressing.

369. Ishtiyak, a resident of Saroorpur village, Tamil Nadu, was arrested by police from Saroorpur police station on the night of 9 April 1993 and following two days' detention was taken to Meerut district hospital, where he died two days later. Local villagers were reported to have alleged that he had died as the result of police torture.

370. Raj Kishore was arrested by police from Modinagar on 23 July 1993 and was allegedly tortured during 10 hours of detention. He was taken to a private clinic later that day after complaining of severe chest pain and declared dead on arrival by doctors. The SHO and a sub-inspector of the Modinagar station were reportedly suspended. The results of a post-mortem examination were unknown.

371. Sobejan Bibi, a domestic worker from Digberia, West Bengal, was allegedly raped and killed on 4 September 1993 by two Border Security Force members who were said to have been drunk. She was found with multiple stab wounds near the Border Security Force Provisioning Complex, which houses the 65 Battalion of the paramilitary force. A complaint was reportedly registered by her family and a post-mortem examination was carried out, the results of which were unknown.

Follow-up to cases previously transmitted

372. In his communication of 21 August 1992, the Special Rapporteur informed the Government of allegations received in regard to Savinder Singh, according to which he had been tortured and forced to jump out of a window during an interrogation on 28 February 1992 at the Directorate of Enforcement of the Ministry of Finance at Loknayak Bhavan, South Delhi. On 24 December 1992 the Government replied that an investigation had revealed serious lapses on the part of the officials concerned and that action against two officers of the Directorate of Enforcement had been recommended. The Government also communicated that the Supreme Court had issued orders that the additional district and sessions judge should conduct the investigation and submit a report directly to the Supreme Court. The communication of the Government was reflected in the previous report (E/CN.4/1994/31, para. 302).

373. In his communication of 28 June 1994 the Special Rapporteur informed the Government that he had received new information, according to which the report of the sessions judge, sent to the Supreme Court in June 1993, was to result in prosecution of four officials by the Criminal Bureau of Investigation (CBI) on charges of illegally confining, torturing and possibly pushing Savinder Singh to his death. The report had ruled out suicide as a cause of death. The CBI was reportedly ordered to institute a detailed investigation and file a police case against the four officers. The Attorney-General was said to have informed the Court that the Government could not accept the conclusions of the report and that it reserved the right to challenge the findings in future. In a related development, the Patiala High Court reportedly ordered the Directorate of Enforcement to pay 2 lakh (about $445) in compensation to Savinder Singh's widow.

Urgent appeals sent and replies received

374. The Special Rapporteur made three urgent appeals in the cases described in the following paragraphs. The dates on which the appeals were transmitted appear in brackets at the end of the corresponding summaries.

375. The following staff members of the Punjab daily Aj Di Awaz (Today's Voice) were reportedly arrested on 11 January 1994 following a police raid on the premises of the newspaper: Gurdeep Singh, Malkir Singh, Jasbir Singh Khalsa, Jasbir Singh Manowan, Debvinder Singh, Amrik Singh, Ajab Singh and Kuldeep Singh. The police reportedly denied later that they were holding Gurdeep Singh and Malkir Singh, whose whereabouts were unknown. In view of numerous allegations received concerning torture or ill-treatment of people arrested in Punjab under TADA, fears were expressed that these persons might be subject to similar treatment (24 January 1994).

376. Ajit Kumar Bhuyan, editor of the Assamese weekly Saadin, a coordinator of the Human Rights Struggle Committee and a founding member of the Assam Union of Working Journalists, was reportedly arrested on 5 July 1994 at his home in Guwahati, Assam, and taken to Chandmari police station. After being held for several hours he was said to have been moved to an undisclosed location for interrogation (7 July 1994).

377. On 19 August 1994 the Government replied that Ajit Kumar Bhuyan, arrested on charges relating to a kidnapping plot, had been remanded to police custody for 26 days on the day of his arrest by order of the magistrate. He had not been subjected to any inhuman treatment. Assurance was given that he would be treated properly during his period of detention.

378. Mohammad Shafi, a journalist based in Srinagar, Jammu and Kashmir, was being held in Papa II interrogation centre by the Border Security Force (BSF). He was arrested on 7 December 1994 with Mukhtar Ahmed, correspondent with the Independent newspaper in the United Kingdom. Mukhtar Ahmed had allegedly been punched, kicked and threatened by members of the BSF before being released (9 December 1994).

Observations

379. The Special Rapporteur appreciates the regular responses of the Government; however, they do not cover all the cases transmitted to them. He is also aware that India has a highly developed legal system with a reputation for vigorous independence. This has certainly contributed to the fact that many of the cases referred to in this and previous reports has led to some action by way of formal inquiry and disciplinary measures. At the same time, it is apparent that few incidents, in what is credibly alleged to be a widespread, if not endemic phenomenon, are prosecuted and even fewer lead to conviction of the perpetrators. It is also to be noted that very many cases that come to the attention of the Special Rapporteur are those that result in death, in other words, those where torture may have been applied with the most extreme results. This must be a minority of the cases of torture in the country.

380. Over the two years of his mandate, the Special Rapporteur has been in contact with the Government, through its Permanent Mission in Geneva, with a view to obtaining an invitation to visit the country. Those contacts initially seemed promising, but the Special Rapporteur was eventually told that a visit would not be opportune. The Special Rapporteur continues to believe that the situation would justify a visit by him.

Indonesia

Information transmitted to the Government

381. By letter dated 4 July 1994 the Special Rapporteur advised the Government that he had continued to receive reports indicating that the practice of torture and other ill-treatment was routine in Indonesia, both with respect to those persons detained for political reasons and those accused of criminal offences. Methods of torture were said to include beatings, blindfolding,

application of electric shocks, lashings with iron rods, stomping on the body, rape and other forms of sexual abuse, and burning parts of the body with cigarettes.

382. Reports were also received according to which detainees in Kopassus prison in Lammeulo, Aceh, underwent particularly harsh treatment. Detainees were allegedly held for many months and sometimes for several years without any judicial proceedings or contact with the outside world. The prisoners were said to be denied medical care and a number of them were allegedly tortured to death.

383. Reports further indicated the persistence of a broad pattern of military and police intervention in labour disputes in Indonesia which frequently resulted in the detention and torture or ill-treatment of workers and labour activists. In this connection, the Special Rapporteur transmitted the individual cases summarized in the following paragraphs.

384. Riswan Lubis, Secretary of the Medan Branch of the Indonesian Prosperous Workers Union, was one of more than 100 workers and labour activists reported to have been arrested in connection with labour unrest in Medan in April 1994. He was allegedly arrested by police at his home at 2 a.m. on 15 April 1994, taken to Poltabes Medan and subjected to beatings.

385. Sukiman (alias Yusuf) was one of 29 workers and activists arrested during a strike at PT Industri Karet Deli, Medan, on 11 March 1994. He was allegedly detained by plainclothes police, put in a company-owned vehicle and tortured in a warehouse. Thereafter, he was reportedly detained at Poltabes Medan, where relatives visiting him observed open wounds on his face and legs and severe bruising.

386. Marsinah, a factory worker, was allegedly tortured and raped before being killed in early May 1993, reportedly because of her role as a labour activist. In the days prior to her death, she was said to have been actively involved in a strike at the watch factory where she worked. It was alleged that Marsinah may have been raped and killed on 5 May 1993 at the local military headquarters where she had gone to look for colleagues who had been detained by authorities of the district and sub-district military commands intervening in the dispute. Her body, bloodied and heavily bruised with marks of strangulation, reportedly turned up on 8 May in a small shack in a field about 200 kilometres from her home in Porong, East Java. An autopsy was said to have revealed that her attacker had thrust a blunt instrument into her vagina, causing severe bleeding. Nine employees of the company involved in the labour dispute and one sub-district military commander were charged in connection with the incident and four of the defendants were convicted in April 1994. All of the civilian defendants were said to have had confessions extracted under duress or torture and to have subsequently retracted those confessions at trial. It was alleged that their prosecution was undertaken to cover up the role of the military in the incident. The military commander who was implicated was said to have been charged in a military proceeding only with a disciplinary offence for failing to report a crime.

387. The Special Rapporteur also transmitted information he had received alleging that the vast majority of people arrested in East Timor, including

women, were held in unacknowledged and frequently incommunicado detention for periods ranging from a few hours to several months. Most such persons were held without access to lawyers and relatives and were reportedly subjected to physical and psychological abuse before being released without being charged. The following individual cases were transmitted.

388. Salvador Sarmento, a student at the Pastoral Institute in Dili, was reportedly seized by members of the military on 4 January 1994 and taken to an unknown location, where he was beaten, kicked and tortured nearly to death. The authorities afterwards were said to have forced his parents to declare that they had seen their son participate in subversive meetings.

389. Benevides Correia Barros, an East Timorese student, and Francisco Almeida Godinho were reportedly arrested by two soldiers on 13 September 1993 in Maliana after being observed taking photographs in a field. They were allegedly tortured, threatened with execution and then taken to a hut wherein they were stripped naked and beaten on the head, chest, genitals, kidneys, thighs and knees. The soldiers then reportedly drove them to Kodim, Maliana, where they were accused of taking photographs to be used for political purposes and deprived of food and drink and not allowed to urinate for three days. They allegedly had their hands tied so as to make the cuffs cut into their flesh, and were kicked with boots and their heads were hit against a wall. On three occasions, Benevides Barros was allegedly driven by car to a spot where he was told to kneel down and pray because he was about to be executed. On 26 September, the men were transferred to Special Intelligence Task Force Headquarters, subjected to further interrogation, and released after signing a statement promising not to repeat their activities.

390. Adelino Gomes Fonseca was among 20 students said to have been arrested during a military operation in Baucau district on 24 December 1992. He allegedly received heavy beatings during interrogation, which were said to have caused severe chest pains, difficulty in breathing, bleeding and swollen closed eyes. He died the morning after his arrest, allegedly as a consequence of the beatings.

391. Fernando Boavida, also among those students arrested in Baucau on 24 December 1992, was reported to have been tortured to death. During his interrogation, he was allegedly forced to lie on a plank covered with sharp nails. When he failed to give what the interrogators regarded as a satisfactory reply, they allegedly placed another plank on top of him and a tyre on top of that plank. He was said to have lost consciousness and died on 27 December 1992.

392. By the same letter the Special Rapporteur reminded the Government of a number of cases transmitted in 1993 regarding which no reply had been received.

Urgent appeals transmitted and replies received

393. The Special Rapporteur transmitted two urgent appeals on behalf of the persons in the cases described below.

394. Jose Antonio Neves, a student at a theological institute in Malang, East Java, was reportedly arrested on 19 May 1994 by military intelligence authorities and taken to a safehouse of the military's intelligence unit (SGI). It was also reported that he might have been transferred to the headquarters of the Regional Military Command IX in Denpasar, Bali. At least 10 other young people were said to have been detained in Dili in the weeks prior to Jose Neves' arrest, including Nuno de Andrade Sarmento Corvelho, Rui Fernandes, from Bermori, Pedro Fatima Tilman, from Kuluhum, and Lucas Tilman dos Santos from Bairro-Pite. They were all said to have been taken to the military intelligence headquarters in Dili and interrogated about their political activities (24 May 1994).

395. On 27 October 1994 the Government replied that Jose Antonio Neves had been arrested by the police, not military intelligence, and was not tortured or ill-treated. The ICRC visited him in Malang on 23 June 1994 and he was awaiting trial. Nuno de Andrade Sarmento Carvalho was arrested on 18 April 1994 and released on 22 April and was not tortured or ill-treated during detention. Lucas Tilman dos Santos was arrested for one day on 22 April 1994 and was not tortured or ill-treated. Pedro Fatimal Tilman was arrested on 26 April 1994 and was awaiting trial. During questioning and detention his physical and mental integrity were protected. No one by the name "Rui Fernandes" was found in lists of those who have been detained in Indonesia.

396. Jannes Hutahaen, an officer of the Medan-based labour rights organization Kelompok Pelita Sejahtera, and Parlin Manihurunk, an officer of the non-governmental organization Pondakan, were reportedly arrested in Jakarta on 13 June 1994 by police officers from Medan. They were said to have recently been accused of "incitement" in connection with labour unrest that occurred in Medan in April 1994. It was not known where they were being held (24 June 1994).

397. On 2 November 1994 the Government replied that Jannes Hutahaen and Parlin Manihuruk had been arrested in Jakarta on 14 June 1994 and taken into custody in the Medan police detention centre from 15 July to 13 August. While in detention they were treated humanely in accordance with national law and international standards. The Chairman of the Indonesian Legal Aid Institute visited them at the Tanjung Gusta penitentiary on 4 September 1994 and said that he was fully satisfied with their condition.

398. The following 81 East Timorese students were arrested on 12 November 1994 in connection with incidents which occurred at the United States embassy in Jakarta: Quintilano M. Neto, Eustaquio Sacramento P. Guterres, Evaristo dos Santos, Mario Sousa Gama, Francisco Honorio F.S., Aurelio Aries Tilman, Hortencio, Samuel Doutel do Rosario, Nazario da Silva, Miguel dos Santos, Marino Sousa, Fransisco Bonaparte, Aderito dos Reis, Domingos Batista, Joao dos Santos, Gaspar Francisco Guleres, Rino Belmiro F. Freitas, Benigno S. Soares, Aldin Vaz de Carvalho Soares, Delio Nunes, Nuno Pinto, Edgar Ferdando, Zito, Alfeu, Hernanio Viterbo da Costa Soares, Zito Antonio de Jesus Soares, Fernando Lourenco, Luis Nancimento, Luis Fonseca, Jose das Dores, Januario Eidoterio, Atanasio Harreto, Helder Barreto Gonçalves, Andre Paulo Faria, Helio Alin, Anecleto Bonto Ferreria Moniz, Antonio Viegas, Faugio Lemos, Joao Miguel B. Ximenes,

Julino Ximenes, Agusto da Conçeiçao, Manuel Luis Ribeiro, Gaspar Fransisco, Hugo Jose Conçalves de Jesús, Mateus dos Santos, Jose Fransico dos Santos, Luis da Costa Conçeiçao, Antonio Martinho da Costa Lopes, Luis Neto Fraga, Cornelio da Costa Martins, Mariano Sabino, Adelino Eco Soares, Alfredo de Meneses dos Santos, Francisco Rolando, Fransico Borja C. Soares, Julio Amilcar Caitano, Jose Carlos Smith, Jose Angelo da Cruz Soares, Longuinhos Maia dos Santos, Jose M. Soares Costa, Frederico Cabral, Aderito dos Santos, Oscar da Silva, Saturnino Lopez Sarmento, Abrao Marino, Joaquim Sarmento, Domingos Tilman, Jose Jaime da Silva, Arlindo Diaz, Jose Fernando, Antonio Menezes, Carlos da Silva Lopez, Victor Lavarez, Domingos Sarmento, Jorge Joao Lay, Julio de C. Ribeiro, Arsenio, Mario Soriano, Antonio Ramos, Helder Pirez, Arlindo Fernandes. They were reportedly being kept in detention in various Javanese cities (28 November 1994).

399. On 1 December 1994 the Government replied that none of the 81 named persons was ever detained by the law enforcement authorities of the Government of Indonesia. Twenty-two of the named persons had remained in the United States embassy compound from 12 to 24 November and had then departed for Portugal. The remaining names were either of non-existent persons or persons who had participated in the demonstration in front of the United States embassy but had not been taken into custody.

Information received from the Government on cases included in previous reports

400. On 2 February 1994 the Government transmitted to the Special Rapporteur information of the case of Rui "Los Palos", on behalf of whom the Special Rapporteur had sent an urgent appeal on 27 May 1993. According to the information Rui "Los Palos", whose real name is Rui Antonio da Cruz, was arrested at his parents' home in Mahena, East Timor on 14 May 1993 on suspicion of involvement in a clandestine movement. He was not treated as a detainee and while being questioned his physical and mental integrity were protected. He was visited on 31 July 1993 by the ICRC and was participating in a rehabilitation programme in Dili.

Observations

401. The Special Rapporteur appreciates the replies received from the Government in respect of his urgent appeals, but notes the absence of replies to information transmitted to the Government over the past two years. In addition, the Special Rapporteur has sought in 1993 and 1994 an invitation to conduct a visit to the country as follow-up to that conducted by his predecessor in 1991 to Indonesia and East Timor. He has also sought information on measures taken in connection with the recommendations contained in the previous report (E/CN.4/1994/31, para. 342). He has received no reply in respect of either matter. In the light of the allegations received and the absence of the responses sought from the Government, the Special Rapporteur feels it appropriate to remind the Commission of the statement made in the report of the 1991 visit, namely, that "the Special Rapporteur cannot avoid the conclusion that torture occurs in Indonesia, in particular in cases which are considered to endanger the security of the State" (E/CN.4/1992/17/Add.1, para. 73).

Iran (Islamic Republic of)

Information transmitted to the Government

402. By letter dated 9 November 1994 the Special Rapporteur informed the Government that he had received reports indicating that the practices of amputation and flogging as a means of punishment were continuing. In this connection, it was reported that Mohammad Hossein Honar Bakhshi and Karim Gol-Mohammadi had four of their right hand fingers amputated around March 1994 in Qom central prison in the presence of other prisoners, after having been found guilty of stealing.

403. Another case of flogging was that of Mary Jones, an American-Iranian interpreter, who was reportedly sentenced to 80 lashes in Shemiran, northern Tehran, on charges of obtaining wine from a Christian church for drinking and having illegitimate links with a man. She maintained during trial that she had obtained Iranian citizenship following her temporary marriage with that man. The sentence was reportedly carried out in public in April 1994.

404. The Special Rapporteur also transmitted the case of Feizollah Mekhoubad, aged 77, who was accused in May 1992 of having links with Israel, sentenced to death in May 1993 by an Islamic Revolutionary Court, and executed on 25 February 1994. He was said to have been active in charitable work and not engaged in political activities, but was allegedly charged based on the supposition that he had contacted various family members living in Europe, the United States, and Israel. During his time in detention prior to execution, he was said to have undergone three operations for unknown reasons. Throughout his prison term, he was reportedly kept in chains and in solitary confinement for prolonged periods, and was only permitted visits for a maximum of 20 minutes once every few months. During the final six months of his imprisonment, he was allegedly beaten brutally and flogged on his back, limbs, and face. Some time prior to his execution, he reportedly had both of his eyes gouged out. Observation of his body, which was unearthed by members of his family for purposes of reburial in accordance with Jewish rites, was said to reveal marks of severe disfigurement, including missing teeth, two missing fingers and swelling and bruising attributable to blows.

Urgent appeals sent and replies received

405. The Special Rapporteur made three urgent appeals on behalf of the persons mentioned in the following paragraphs. The dates on which the appeals were transmitted appear in brackets at the end of the corresponding summaries.

406. Hengameh Amini, daughter of the well-known singer Marzieh, was arrested in mid-October 1994, allegedly in connection with her mother's decision to join the National Council of Resistance. She was reportedly being held incommunicado in Evin prison (3 November 1994).

407. On 9 December 1994 the Government replied that Hangameh Amini had been acquitted of charges against her following investigation.

408. Mohammad Khandjari was reportedly arrested on 12 November 1994 at his home in south Tehran and beaten in front of his wife by members of the Pasdaran (Revolutionary Guards). He was said to have been arrested in connection with his alleged participation in the riots that occurred in Qazvin on 3 August 1994. He was reportedly being held in Rasht prison (21 November 1994).

409. Retired General Azizollah Amir Rahimi, a 73-year-old former Commander of the Military Police, was reportedly arrested on 31 October 1994, released the following day, and rearrested on 3 November 1994. He was allegedly beaten by members of the secret police and was reported to be held in Evin prison's hospital. His arrest was said to be due to his open criticism of the Government. Mehrdad Amir Rahimi, his son, who protested the arrest of his father, was reportedly arrested on 8 November 1994 and his whereabouts were unknown (22 November 1994).

Information received from the Government on cases included in previous reports

410. On 21 December 1993, the Government transmitted to the Special Rapporteur a reply concerning allegations sent by the Special Rapporteur on 27 October 1992 in the cases of Khalil Akhlaghi, Houshan Sabetzadeh and Ali Ghaffari Hussaini. According to the information, Khalil Akhlaghi, tried in military court No. 1 of Tehran on the charge of espionage, was sentenced in accordance with the criminal law of the army to 15 years' imprisonment. The sentence was reduced under a National Day amnesty. No mention was made of the allegations of torture in the case. Both Houshan Sabetitzadeh and Ali Ghaffari Hussaini were acquitted of charges against them and the torture allegations in respect of these two persons was denied.

411. On 6 December 1994 the Government transmitted a reply regarding Ali Akbar Ghorbani, a political refugee in France who was allegedly abducted in Turkey, tortured and killed by agents of the Iranian Government in June 1992. The Government stated that because his abduction and alleged torture did not occur in Iranian territory, no reliable information was at its disposal in the case.

Iraq

Urgent appeals

412. On 1 September 1994 the Special Rapporteur transmitted an urgent appeal to the Government on behalf of Sham'un Bulos and Isma'il Ahmad Sa'id, who were convicted of theft in July 1994. The two men were reportedly sentenced to amputation of the right hand and to having two lines tattooed on the foreheads. The punishment of amputation was said to have been imposed pursuant to decree No. 59 of 4 June 1994. On 18 August 1994, the Revolutionary Command Council reportedly ruled that a tattoo of at least one centimetre long and one millimetre wide would be performed on every person whose hand was amputated for committing a crime.

Israel

Information transmitted to the Government

413. By letter dated 29 June 1994 the Special Rapporteur advised the Government that he had continued to receive information indicating that persons detained for political reasons in the occupied territories were routinely subjected to various forms of torture and inhuman and degrading treatment. Such mistreatment was allegedly inflicted by officials in the Israeli Defence Force, the General Security Service (GSS or Shin Bet) or the police during the course of interrogation. It was reported that certain forms of mistreatment might be sanctioned by GSS interrogation guidelines. The methods of abuse were reported to include: hooding of the victim for prolonged periods with dirty and wet sacks, resulting in disorientation and impeded respiration; tying the victim's body into painful positions for prolonged periods, such as with hands bound to feet and the body bent backwards (the "banana"); forcing the victim to remain standing for prolonged periods; sleep deprivation; severe beatings, including blows to the head and smashing the head against a wall; withholding of necessary medical attention; and confinement in small cold cells.

414. Incommunicado detention was also reported to be routine for those arrested in the occupied territories. The military law applied to the West Bank was said to authorize the warrantless arrest and detention for four days of any person suspected of committing a security offence, after which two seven-day extensions could be granted by police officers before the detainees need be brought before a judge. A 1992 amendment to the law reportedly made eight days the maximum allowable period for detention without judicial review for detainees under 16 years and for all detainees who are suspected of "any but the most serious offences". Persons aged 16 and above who were detained for political reasons and accused of serious offences were said generally to be held for 18 days without access to a judge and for even longer periods without access to relatives. Detainees could be denied access to lawyers for up to 90 days on security grounds, 30 days of which could be ordered by interrogating officials and two additional 30-day periods by a military court judge.

415. Confessions and other information obtained from a detainee during prolonged incommunicado detention was said often to constitute the main evidence against him or her in the military courts. Under applicable law, detainees may retract such a confession in court and ask for an investigation into torture allegations, although in practice prosecutors and judges were said frequently to pressure defendants to accept a plea-bargain rather than to press for an investigation.

416. The individual cases described in the following paragraphs were transmitted to the Government.

417. Bassem Mohammed Abdul-Rahman Altamini, from Al Nabi, Ramallah district on the West Bank, was arrested on 9 November 1993 by a team of officials from the army, the Shabak (General Security Service - GSF) and an undercover unit. He was allegedly beaten, hooded, hit on the head with an object and his head was struck against a wall. On 18 November he was transferred from Hadassah

Hospital to Ramallah prison hospital and a relative visiting him six days later observed that his head was swollen from injury and that he was having difficulty walking, sleeping and retaining food and water. He was allegedly denied medical treatment at Ramallah prison hospital so as to coerce him into making a confession.

418. Sami Ismail Issa Fawaghreh, from Al-Khader village near Bethlehem on the West Bank, sustained severe head injuries in an automobile accident and a metal plate was put in his skull. In December 1990, at the time he was due to undergo another operation, he was arrested and during interrogation was allegedly struck on the head with a metal bar, rupturing the plate and causing him to go into a coma for three days. He was said subsequently to suffer from recurrent epileptic seizures. His condition was said to be continually deteriorating and his life to be at great risk without surgery to remove the broken plate, which was allegedly being denied to him by prison authorities.

419. Makdam Makdad was sentenced to eight years' imprisonment in 1987 and had been kept in solitary confinement, despite being diagnosed as a schizophrenic. Prison authorities were said to have justified the treatment on the grounds that he had refused hospitalization in a mental health centre. The Gaza prison was said to lack facilities for psychiatric hospitalization and prolonged detention in solitary confinement was said to be likely to lead to a further deterioration in his mental health.

420. The Special Rapporteur also transmitted information alleging that prior to the commencement of interrogation of a detainee by the secret service or military, a physician might be called upon to examine the detainee in order to determine whether he or she was physically fit to undergo such interrogation procedures as blindfolding and prolonged standing. It was alleged that the assessment of the physician was made in the form of responses to a questionnaire which the physician was requested to complete after examining the detainee. The Israeli Medical Association, responsible for regulating Israeli medical practices, has reportedly forbidden physicians to answer the questionnaires on the grounds that they contravened international norms and rules of medical ethics.

Urgent appeals and replies received

421. The Special Rapporteur transmitted an urgent appeal on 21 March 1994 concerning Sha'wan Rateb Jabarin, a member of the human rights organization Al-Haq, who was arrested on 10 March 1994 at his home in Sa'ir Hebron district. He had reportedly been arrested on previous occasions and had served a total of 19 months of administrative detention since 1987, when he had allegedly been subjected to serious ill-treatment. He was said to suffer from a heart condition which necessitated regular medication.

422. The Special Rapporteur transmitted another urgent appeal on 15 August 1994 concerning Hani Saleh 'Abdullah Muzher, who was arrested on 13 July 1994 and taken to Ramallah prison for interrogation. He was denied access to a lawyer until 11 August, when he told his lawyer that he had been kept shackled in a painful position for prolonged periods, deprived of sleep for at least a week, and had received threats against his life and well-being. He had also slit his wrist on 20 July so that he could be treated to get a

break from interrogation. A doctor reportedly recommended that he should not be left alone in his cell and should be allowed to rest for one night. A statement from the State Attorney's Office was said to have indicated that Hani Muzher was sleeping like other detainees, but suggested that the situation might change depending on developments in the interrogation. In view of this statement and allegations of ill-treatment already undergone, fears were expressed that he might be subjected to further torture or ill-treatment.

423. On 18 October 1994 the Government replied that Hani Saleh Abdullah Muzher, who was in Ramallah prison for questioning, had been prevented from having an unsupervised meeting with his attorney during the preliminary stage of his interrogation for security reasons. By an agreement reached between his attorney and the security services, it was decided that he could meet his attorney freely and without restrictions from 11 August. He had tried both on 14 and 30 July to injure himself by cutting his left wrist. He had received appropriate medical care, was checked daily by an orderly and, if necessary, by a doctor. His interrogators were instructed to take appropriate measures to prevent a recurrence of the attempts at self-injury. It was also agreed between the security services and his attorney that he was not to be deprived of sleep.

424. On 17 November 1994 the Special Rapporteur transmitted an urgent appeal on behalf of Ahmad Ibrahim Sa'id, who was reportedly arrested on 29 June 1994 and subsequently charged with activities on behalf of Hamas. Some time after his arrest he was allegedly hooded, beaten, shackled in painful positions for prolonged periods, and deprived of sleep. His interrogation was said to have resumed in Ashkelon prison on 20 September 1994, during which he was allegedly hooded, forced to stand for 18 to 20 hours per day and forced to sit on a chair in an uncomfortable position with his hands tied while interrogators pushed him in an attempt to make him fall. He was also said to have been threatened that he would be paralysed and unable to have children following his interrogation.

Observations

425. The Special Rapporteur notes that, consistent with his observations of last year (E/CN.4/1995/31, para. 358), the Committee against Torture at its twelfth session, following its consideration of Israel's initial report, expressed great concern "at the large number of heavily documented cases of ill-treatment in custody". (A/49/44, para. 169)

Italy

Information transmitted to the Government and replies received

426. By letter dated 19 August 1994 the Special Rapporteur transmitted to the Government three cases of torture that allegedly occurred in the country and on 14 November 1994 the Government sent replies to those allegations. The allegations and the replies are summarized in the following paragraphs.

427. Arsenie Reutu, a Romanian national arrested in Milan on 27 May 1993, reportedly told the court at a preliminary investigation on 29 May that the

police had beaten him and urinated on his head. The court was said to have noted the presence of bruises and other signs of injury on his thorax, abdomen, and back.

428. The Government replied that the correct name of this person was Creaute Arsenie and that on 22 July 1993 he had filed a complaint with the Milan Public Prosecutor's Office and that the latter was investigating the alleged injuries.

429. Antonio Morabito reportedly died in the custody of Turin police on 18 December 1993. Eye-witnesses had observed police officers kick and punch him, hit him with the butt of a gun and fire a shot close to his head. Autopsy and forensic reports were said to have established that he sustained severe injuries to the peritoneum resulting in an intestinal haemorrhage which caused his death. On 4 May 1994 the Public Prosecutor's Office reportedly requested that two police officers be committed for trial on manslaughter charges in the case.

430. The Government replied that Antonio Morabito had been fleeing police who were pursuing him for suspected robbery and had jumped over several fences, falling heavily to the ground at least once. One hour after being taken to the police station he was found in a toilet lying on the floor and had died while being transferred to hospital by ambulance. The forensic examination ordered by the judge concluded that an internal haemorrhage was the cause of death. The haemorrhage was attributed to his falling, to the fact that his chest was struck by his car's steering wheel and to his poor physical condition. A hearing in the trial of the two officers charged with manslaughter was scheduled before the Turin court of criminal jurisdiction on 25 October 1994 with subsequent hearings scheduled for 17 and 18 November.

431. Filippo Campanella was reportedly punched, kicked and beaten unconscious by members of the Palermo vigili urbani (local police) after he had asked permission to double park on a Palermo street. As a result, he allegedly sustained partial paralysis of his right leg. Fifteen officers were said to be under investigation in connection with the incident in a judicial inquiry opened in April 1993.

432. The Government replied that four vigili urbani were arrested for abetment in personal injury, assault, abuse of power and breach of duty and that the trial before the Palermo court of criminal jurisdiction would be held on 12 April 1996.

433. By the same letter the Government transmitted replies with regard to cases that had been transmitted in 1993 and about which the Special Rapporteur had reminded the Government in his communication.

434. In the case of Ciro Esposito, who had allegedly been severely beaten by six carabinieri officers in Naples on 25 June 1992, the Naples preliminary hearing judge had found that none of the alleged facts amounted to crimes which the Public Prosecutor could prosecute by its own motion and that Ciro Esposito had not himself proffered any complaint against the carabinieri concerned. The case was thus filed by the judge.

435. Carmelo La Rosa had allegedly been beaten severely by prison guards at Gazzi prison and on the night of 24/25 June was found hanging in his cell. The Messina preliminary hearing judge had filed the case for the following reasons: at the time of the alleged suicide, the prison cell was occupied by only one other prisoner who had no reason to kill La Rosa; the medical officer had intervened immediately, having been called by the prison and so excluding the suspicion that penitentiary personnel had acted against La Rosa; and the forensic examination had concluded that La Rosa's death was due to a suicide and that his body had fallen to the floor because the belt he used to hang himself broke.

436. In the case of Mazzara Biagio, who was reportedly beaten and burned with cigarettes by guards at Padua district prison in October 1992, a fight with the guards had broken out after he had punched a guard in the face while being transferred to the prison infirmary. He injured himself with a razor-blade that he was holding in his hand and later ingested voluntarily two similar razor-blades. Following judicial investigation pursuant to a request submitted by the Public Prosecutor, the Padua preliminary hearing judge ascertained that no crimes had been committed.

437. The Government also responded with respect to allegations concerning the treatment of persons in some of the country's prisons. Some members of the Chamber of Deputies and delegates of the Chamber of Deputies' Justice Commission in September-October 1992 inspected Asinara penitentiary in Sardinia and concluded that the prisoners had not suffered any ill-treatment. An inquiry into complaints by prisoners at Buoncammino penitentiary in Cagliari, Sardinia, undertaken by the Sardinia Regional Inspector of Penitentiary Administration pursuant to a December 1992 order by the Ministry of Justice, concluded that the grounds for complaint were due to general problems concerning the standard of living inside the penitentiary such as overcrowding and the poor condition of the building.

438. Complaints by prisoners at the Due Palazzi penitentiary in Padua, Venetia, regarding ill-treatment and poor sanitary conditions could not be verified by the Venetia Regional Inspector of Penitentiary Administration. However the allegations were under investigation by the local Public Prosecutor's Office, which was endowed with the necessary power to carry out a judicial inquiry, and the procedure was continuing.

439. The magistrate responsible for Pianosa penitentiary in September 1992 expressed the suspicion that some cases of ill-treatment had taken place inside the prison and ascertained that the poor maintenance and overcrowding at the Agrippa branch could not assure a good standard of living. The Livorno Public Prosecutor's Office was proceeding with further investigations to determine who was liable for the personal injuries of some prisoners.

440. The Parliamentary Committee for penitentiary problems of the Chamber of Deputies' Justice Commission twice visited the Secondigliano penitentiary in Naples and expressed serious concern about general conditions and ill-treatment of prisoners. The Public Prosecutor's Office, following investigations, requested the committal for trial of the inspector of the penitentiary and other penitentiary police officers for various crimes, including ill-treatment of prisoners. After judicial inquiry, the preliminary

hearing judge ordered the committal for trial of six defendants. The proceeding commenced on 30 October 1993 and was ongoing. On 6 April 1994 the director of the penitentiary was suspended from his office and arrested by order of the Naples preliminary hearing judge.

Japan

Information transmitted to the Government and replies received thereon

441. By letter dated 29 June 1994 the Special Rapporteur advised the Government that he had received information according to which suspects held in police custody prior to indictment were kept in detention facilities known as "substitute prisons" (daiyo kangoku). While in principle police are required to present a detainee to a prosecutor within 48 hours of being taken into custody, detention for a period of up to 20 days may be authorized by order of a judge or, upon application, by a prosecutor. Following this period suspects must either be released or indicted and transferred to a prison or detention house. The 22-day period of pre-indictment detention in "substitute prisons" was said to create conditions under which torture or ill-treatment was likely to occur, as suspects were placed under the permanent control of the police.

442. Under these circumstances police investigators were said frequently to subject suspects to interrogation sessions of more than 10 hours per day without effective control, since records of the date and length of interrogation sessions were not available to detainees, lawyers or courts. "Confessions" signed by suspects during interrogation were said to be statements prepared by interrogators, not records of question and answers. As a result, there was no record accessible to lawyers or courts of the manner in which a confession was obtained, other than a record of the time of day it was signed. It was reported that lawyers were not permitted to be present during the interrogation of suspects and that government-funded legal aid was not available to suspects held in "substitute prisons", as only defendants against whom an indictment had been drawn were eligible for such legal aid.

443. Reports also indicated that "substitute prison" detainees did not have access to independent medical attention. Persons requesting medical attention could meet with medical doctors commissioned by district police authorities. However, details of such visits and the findings of the doctor were recorded on a log kept by the authorities in charge of detention to which detainees, lawyers or courts had no access. Courts which requested details of medical findings were, in practice, merely provided by police with a summary of the log entry.

444. On 18 November 1994 the Government replied with regard to this general information that a number of systems and measures had been adopted and implemented to prevent coerced confession and to guarantee the rights of detained suspects. These included: the complete separation of the investigation branch from the branch in charge of custodial management in the police; a system of filing complaints regarding treatment and human rights in accordance with the regulations concerning the custody of suspects; an appeal system (jun-kukoku) against a judge's system of detention; habeas corpus remedies; rights of communication with and visits by the defence counsel;

inspection of prison and detention facilities, including "substitute prisons", by judges and prosecutors; supervision by prosecutors of the interrogation by police officials; civil remedies under application to civil liberties commissioners; the legal requirement of exclusion of confessions obtained by coercion from evidence and the obligation of the courts to examine the voluntary nature of confessions; and a remedy system under the State Redress Law.

445. The Government stated that although there might be a few exceptional cases in which an interrogation lasted for hours, in order to fully listen to the explanation of a suspect, public prosecutors at all times conducted interrogations with due consideration so as not to impose excessive burdens upon a suspect. Although the statement of a suspect was not made in the form of questions and answers, the suspect was notified in advance that he or she could refrain from making any statement against his or her will and after being read the statement could make revisions or corrections before signing. Although defence counsel was not allowed to inspect the records or be present during interrogation, counsel could "grasp the situation of the interrogation" through private interviews with detainees.

446. As to medical care, doctors came twice monthly to police custodial facilities and all prisoners received periodic medical examinations. Although records of medical care were not made public so as to protect prisoners' privacy, they could be presented to the court as evidence at the request of the judge, if necessary.

447. The Special Rapporteur also transmitted information about the case of Huang Yuwei, a Chinese national residing in Japan, who was arrested on 8 June 1993 in the Kabukicho area of central Tokyo. When unable to produce his identity card for a policeman because he had left it at home, he was brought to the police station, whereupon he was allegedly beaten severely by two officers, who then released him. Three hours later, he was reportedly rearrested and taken to the same police station where his hands and legs were tied and he was beaten so severely that he was unable to walk. An examining medical doctor was reported to have determined that his injuries would take two weeks to heal.

448. The Government replied that following a complaint on 8 June 1994 by Huang Yuwei, his case was under investigation by the Tokyo District Public Prosecutors Office. On 1 March he also filed a civil suit against the Metropolis of Tokyo. According to the Metropolis, the first time that police encountered him they did not take him to the police station, but cautioned him not to affix signboards to roadside poles, as it was illegal, and that he would be arrested if he again failed to carry his alien registration certificate. When four hours later he was found without the certificate, he was requested to come to the police box and he struggled to escape. Inside the police box he thrashed his arms and legs and because he was likely to hurt himself and others the policeman restrained him and took him to the station. There was no violence as reported.

449. The Special Rapporteur also transmitted information indicating that many prisoners sentenced to death were held in solitary confinement indefinitely and some had been denied medical attention when they requested it or had been

given only perfunctory and inadequate medical treatment. One such case was that of Nagata Hiroko, whose 1982 death sentence was confirmed by the Supreme Court in February 1993. In 1984 she had undergone an operation for a brain tumour but continued to suffer pain and fainting spells. By May 1993 she was reportedly so weak that she could barely walk unaided and for several consecutive days she suffered prolonged vomiting spells, despite which she was refused a change of clothes. Although she was in need of sustained medical attention and requested to be hospitalized, this request was allegedly refused.

450. The Government stated that since her operation Nagata Hiroko had received periodic examination by brain surgeons and her condition remained more or less the same. Although she complained in 1993 that she had vomited, the vomit was only 5 cc in volume and it did not include the contents of her stomach. No evidence supports that she had requested a change of clothes at that time.

451. The Special Rapporteur transmitted another letter to the Government on 10 October 1994 concerning the case of Yoichi Isoe, aged 50, who reportedly has been held in solitary confinement since September 1982 in Asahikawa prison in Hokkaido. His placement in solitary confinement was not ordered pursuant to any infraction, but may have been undertaken in retaliation for three lawsuits he had filed against the detention centre in which he had previously been held. The only person he spoke to was his lawyer, about three or four times a year, in conversations always monitored by a guard present and only in regard to his lawsuit. Speaking or other vocalization was said to be strictly forbidden in solitary confinement, and Mr. Isoe reportedly was experiencing difficulty in speaking during his meetings with his lawyer. Although he was permitted one 30-minute family visit per month, his only living relative is an elderly mother for whom it was extremely difficult to travel to the prison, which is located on an island a great distance from where she lives. She had reportedly visited him only twice during his stay in prison.

452. The Government replied that it refrained from disclosing facts regarding specific cases of treatment of inmates in penal institutions in order to protect the rights, the honour and privacy of the concerned. Generally, the purpose of solitary confinement is to protect the inmates who have trouble associating with others or have difficulties in living in a group because of their physical disabilities. It has made correctional treatment more effective and has contributed to the protection of inmates and officers.

Jordan

Information transmitted to the Government and replies received

453. By letter dated 5 August 1994 the Special Rapporteur advised the Government that he had received information indicating that persons detained by the General Intelligence Department (GID) were almost invariably held in incommunicado detention, sometimes for weeks or months. They were said to be held without access to lawyers or judges until their interrogation was concluded and a confession, if required, was taken. Under the Code of Criminal Procedure, public prosecutors were reportedly permitted to renew indefinitely the detention of suspects for periods of up to 15 days at a time and could forbid all contacts with detainees for renewable periods of

up to 10 days at a time. During such periods of incommunicado detention, incidents of torture or ill-treatment were reported to occur. Beatings, including falaqa (beatings on the soles of the feet), were said to be administered in an underground corridor known as Saha, within GID headquarters in Amman.

454. Persons detained in non-political cases by the Public Security Directorate (PSD) were said commonly to undergo torture or ill-treatment, but such incidents were generally not properly investigated. In one reported incident, Ahmad Mustafa was allegedly beaten in PSD custody in Ma'an in February 1993. He was reportedly hospitalized as a result of the beatings, but a request for an investigation and compensation by his lawyer was said to have gone unanswered.

455. On 21 November 1994 the Government informed the Special Rapporteur that nothing that would contravene its international or national legal commitments had occurred in GID prisons. An individual questioned by the General Attorney is legally entitled to have a defence lawyer present during the entire investigative process. If, however, the General Attorney deems that the investigation has to be expedited for fear that evidence might disappear or that communication may make it possible for partners of the suspect to escape, he may exceptionally proceed without the lawyer's presence. The Government also stated that the allegations regarding the existence of places where torture takes place as well as the means and instruments of the alleged torture were totally unfounded.

Kenya

Information transmitted to the Government

456. By letter dated 21 July 1994 the Special Rapporteur informed the Government that he had received allegations of torture or ill-treatment in the individual cases described in the following paragraphs.

457. David Njenga Ngugi was arrested with five other persons and charged with robbery. He allegedly suffered torture to his genitalia and feet and was thereafter denied medical treatment. The Nairobi Chief Magistrate was said to have ordered that the six defendants receive medical attention from their own doctors while on remand, but it was unknown whether they had received such treatment.

458. Thomas Njoroge and Stephen Maina were arrested in early November 1993 at Namanga, near the border with the United Republic of Tanzania. They were allegedly tortured during a week-long detention in Criminal Investigation Department custody and were later denied medical treatment at Kamiti prison in Nairobi.

459. Ephran Muchiri Muhoro, Jimmy James Waigwa, and Samuel Mwangi Kariuki were among a group of persons arrested in Nakuru in November 1993 and subsequently tried for armed robbery. They were said to have been tortured in police custody and to have required medical attention. According to the allegations, Ephran Muchiri Muhoro suffered a ruptured bladder and a fractured leg, Jimmy James Waigwa suffered a burst eardrum and loss of hearing, and

Samuel Mwangi Kariuki received an injury to his hip. The three were ordered released by the Nakuru magistrate on 28 January 1994 when the charges against them were dropped.

Urgent appeals

460. The Special Rapporteur sent an urgent appeal to the Government on 18 July 1994 on behalf of Geoffrey Kuria Kariuki; Anthony Njuguna Njui, a local official of the Ford-Asili party and former councillor in Molo; John Kinyanjui, a member of the group Release Political Prisoners (RPP); and Jimmy James Waigwa. These persons were reportedly arrested during the weekend of 9 and 10 July 1994 and were being held incommunicado in police detention in Nakuru police station. Geoffrey Kuria Kariuki was allegedly severely tortured and a habeas corpus application was reportedly being filed by his lawyer in the High Court because he feared for his life. Fears were expressed that the other men were also at risk of torture.

461. The Special Rapporteur sent another urgent appeal concerning the same cases to the Government on 15 August 1994. According to further information received, Anthony Njuguna Njui was arrested again on 30 July 1994, his family and lawyers were denied permission to see him and he had not been brought to court or charged. Geoffrey Kuria Kariuki and George Muragu Ichangai were among six defendants charged with violence and possession of firearms on 19 July 1994. They alleged that they had been tortured in custody and the presiding magistrate ordered that they should receive medical treatment before he would hear their pleas. Geoffrey Kuria Kariuki, suffering from headaches and eye pains, was reportedly disoriented and the examining doctor recommended that he be given a brain scan. George Muragu Ichangai was said to be suffering pain when passing urine and the doctor reportedly recommended an examination of his bladder. It was alleged that neither of the two men had been given access to the treatment recommended for them.

462. On 2 December 1994 the Special Rapporteur advised the Government that he had received information indicating that Geoffrey Kuria Kariuki, held in Nakuru prison, had on 14 October undergone a brain scan which revealed the presence of a subdural haematoma, a condition said to require immediate surgery. The surgeon who later saw him requested a second opinion on the scan, but none had yet been received, nor had Geoffrey Kuria Kariuka received any treatment. It was feared that without a new scan and, if appropriate, an operation, he was at risk of a serious deterioration in his state of health.

Kyrgyzstan

Information transmitted to the Government

463. By letter dated 17 August 1994 the Special Rapporteur advised the Government that he had received information concerning three minors, Valery Fyodorov, Vitaly Rakitin, and Dmitry Frolov, who were reportedly detained in March 1994 by police in Bishkek on suspicion of threatening the life of a police officer. The three were said to have been tortured into confessing to the crime. Vitaly Rakitin and Dmitry Frolov were allegedly beaten about the head, punched in the chest and in the kidney area, and thrown against the wall during two days of questioning at Sverdlovsk district police

station. Vitaly Rakitin was also said to have had a gas mask placed over his face with the air supply shut off to prevent him breathing freely. Vitaly Rakitin and Dmitry Frolov, who subsequently withdrew their confessions, were conditionally released pending trial but at the end of April Valery Fyodorov was still in detention. The Ministry of Internal Affairs was reportedly investigating the allegations of ill-treatment.

Lebanon

Urgent appeals

464. The Special Rapporteur made four urgent appeals to the Government on behalf of the persons mentioned in the following paragraphs. The dates on which the appeals were transmitted appear in brackets at the end of the corresponding summaries.

465. Georges Habib Haddad was reportedly arrested on 23 December 1993 at his workplace in the Ministry of Housing in Beirut by armed men in civilian clothes who produced no warrant. He was allegedly detained for 37 days, mostly in solitary confinement, and subjected to torture, resulting in his suffering a broken arm and several other injuries. No medical treatment reportedly was being provided to him (8 March 1994).

466. Fouad Malek, a retired officer and leader of the Lebanese Forces Party, was reportedly arrested in Beirut on 23 March 1994 and charged with financing and organizing a bomb attack on Notre Dame de la Délivrance Church at Youk Mikhael on 20 February 1994. He was being held incommunicado at the Ministry of Defence in Beirut, where according to his lawyer he had been subjected to torture or ill-treatment (7 April 1994).

467. About 20 members of the Lebanese Forces, a political party banned by the Government, were reportedly arrested and held for interrogation in the Ministry of Defence in Yarzeh, some of them in connection with the aforementioned church bombing. Fouad Malek, the subject of the 7 April urgent appeal, was allegedly kept in a very small cell where he could only stand and was subjected to sleep deprivation. Dr. Samir Geagea, the head of the Lebanese Forces political party, was also detained. Fawzi al-Rasi reportedly died in custody on 22 April and Hanna 'Atiq was said to be in intensive care in hospital after spending two weeks under interrogation in the Ministry of Defence. Fears were expressed that they as well as the other detainees had been tortured and that they were at continued risk of torture (28 April 1994).

468. Dr. Samir Geagea, a subject of the 28 April appeal, was arrested around 20 April 1994 and taken to the Ministry of Defence in Beirut for interrogation. When presented before a judge on 24 and 29 April, he reportedly showed signs of exhaustion and loss of weight. He had not been examined by a doctor (13 May 1994).

Libyan Arab Jamahiriya

Urgent appeals

469. On 22 March 1994 the Special Rapporteur sent an urgent appeal to the Government concerning the following persons reportedly detained in the aftermath of rebellion by army units around the city of Misrata in October 1993: Col. Mahammad Abdul 'Ati al-Buma, Col. Miftah Qarrum al-Wirfalli (who suffers from leukemia), Col. Sa'ad Misbah al-A'Rusi, Lt-Col. Daw al-Salihin (reported to have had his leg amputated as a result of injuries sustained during torture), Lt-Col. Ahmad al-Du'ayki, Lt-Col. Muhammad Bashir, Major Abdul Salam al-Waa'ir, Lt. Abdallah al-Waa'ir, Major Ramadan al-'Ayhuri, Major Muhammad al-Ghul, Saad Al-Wirfalli, Major Khalil Salam al-Jidiq, Sa'd Musbah Sa'd al-Amin al-Zubaydi, Dr. Musa al-Keilani, Ali Faraj Zai'd and Fathi Hamid. These persons were reportedly being held incommunicado at unknown locations. Three of the detainees had reportedly appeared on television confessing to having been recruited as American intelligence agents by members of the National Front for the Salvation of Libya, an opposition group in exile.

Mauritania

Urgent appeals

470. On 3 October 1994 the Special Rapporteur transmitted an urgent appeal to the Government on behalf of nine persons among a group of 34 who were arrested around 25 September 1994 in Nouakchott and other areas and accused of membership in a clandestine organization. They were Mohammed Cheick Ould Sidi Yahya, Imam of Sebkha mosque and President of the unofficial Islamist political party "Umma"; Aboubekrin Ould Ahmed, former Minister of Culture and Islamic Orientation; Hassan Ould Moulay Ely, a municipal councillor and member of the Union des forces démocratique (UFD); Abdallah Ould Reggad, an appeal court judge; El Hadj Abdelazziz Sy, Imam of El Mina mosque and Vice-President of "Umma"; Mohamed Moctar Ould Gaguih, former Director of Islamic Orientation at the Ministry of Culture and Islamic Orientation; Jemil Ould Mansour, a journalist; Mohamed Ould Ragel, a municipal councillor and UFD member; and Vall Ould Wreg. Some of these persons were allegedly beaten at the time of their arrest and some were reportedly taken to the Ecole de police nationale at Nouakchott where they were being held incommunicado.

Mexico

Information transmitted to the Government and replies received thereto

471. By letter dated 29 March 1994, the Special Rapporteur advised the Government that he had received information regarding cases of torture alleged to have been carried out in connection with political events which occurred in the State of Chiapas in January 1994. The torture, reportedly used by members of the army in order to extract confessions from persons about alleged links with the Zapatista National Liberation Army (EZLN), was said to have consisted typically of blindfolding the detainees and tying their hands behind their

backs, beating them, immersing their heads in water, threatening them with death and depriving them of food. The individual incidents or cases referred to in the following paragraphs were reported in particular.

472. On 7 January, some 800 soldiers reportedly charged into the Morelia community in the municipality of Altamirano and forced most of the poplulation to leave their homes and assemble in the sports field. Twenty-eight persons were then taken to the Comitán military barracks and allegedly beaten and burned on various parts of their body while being interrogated about membership in the EZLN.

473. Noé Hernández Caballero and Adela Gómez Martínez were arrested on 8 January 1994 at a military post outside of Motozintla. With respect to these persons, the Government stated that the National Human Rights Commission had received a complaint, but that it was not possible to carry out an investigation owing to lack of cooperation from the alleged victims.

474. Juan Diego Hernández García was arrested by army members on 5 January 1994 and allegedly tortured in various locations between Altamirano and Comitán.

475. On 6 June 1993 members of the public security forces, the State judicial police and the cavalry reportedly carried out an operation in the towns of Chalam del Carmen, Río Florido, Nuevo Sacrificio, Eden del Carmen and El Carrizal in the State of Chiapas and arrested Eliseo López Gómez, Jorge Santiz López, Sebastián López Gómez (aged 80), Domingo López Gómez, Moisés Gómez Santiz, Victor López Gómez, Juan Santiz Gómez, Agustín López Gómez, Daniel Santiz López, Felipe López Santiz, Mariano López Santiz, Domingo López Gómez (aged 102), Héctor Santiz Lopez, Antonio López Santiz, Diego López Santiz (aged 15), Gustavo Santiz Gómez, Epitacio López Gómez (aged 90), Manuel Santiz Gómez, Mauricio López Santiz, Alonso López Santiz, Mauricio López Santiz, Jorge López Santiz (aged 14), Sebastián Santiz Rodríguez. They were reportedly taken to the Cerro Hueco prison in Tuxtla Gutiérrez and during three days of detention were allegedly beaten, subjected to electric shocks, and had alcohol forced into their noses. They were said to have been forced to sign "confessions" written in Spanish, despite the fact that many of them did not know the language.

476. The Special Rapporteur also provided to the Government the following list of persons allegedly tortured in Chiapas in January 1994: Alejandro Muñoz Ruíz, Alfredo García López, Anselmo Pérez López, Anselmo Velázquez Gómez, Antonio Méndez López, Antonio Santiz López, Armando López Santiz, Armando Méndez Santiz, Artemio Morales López, Carmelino Santiz Luna, Celestino López Pérez, Celestino Rodríguez Gómez, Domingo Santiz Gómez, Efraín López Santiz, Florindo López Sánchez, Francisco Gómez Santiz, Francisco Sánchez Gómez, Gilberto Méndez Santiz, Guadalupe Santiz Gómez, Guillermo Badillo Braña, Guillermo Sánchez López, Ignacio López Gómez, Ignacio López Santiz, Jacinto Santiz Encin, Javier Gómez López, Jesús Mendoza López, Joaquin López Sánchez, Jorge García Santiz, Juan Diego Hernández Gómez, Manuel López Santiz, Manuel Martínez Huet, Manuel Moshan Culej, Manuel Santiz Pérez, Marcos Hernández Jiménez, Marcos Santiz López, Mario Santiz Encin, Martin Pérez Gómez, Martin Santiz Hernández, Miguel Martínez Huet, Pedro Hernández Jiménez, and Pedro López Santiz.

477. In connection with the incidents in Chiapas the Government sent a copy of a report by the National Human Rights Commission of 22 February 1994 which summarized its findings regarding human rights violations. At that date the Commission had received 80 complaints of torture. The report states that, undoubtedly, various persons had committed human rights abuses in Chiapas, but they were all being investigated impartially and in depth. On 24 October 1994 the National Human Rights Commission sent another report to the Special Raporteur explaining the circumstances in which the above-mentioned persons had been arrested. With respect to some of them, it was reported that medical examinations had been conducted and that the persons in question bore injuries which were slight; in none of the cases was evidence found indicating that the persons had been subjected to torture.

478. The Special Rapporteur also transmitted to the Government the case of Valentín Mejía Domínguez, from Independencia Jiutepec, Morelos, arrested by the State judicial police on 29 January 1993 and allegedly subjected to torture.

Follow up to cases already transmitted to the Government

479. The Special Rapporteur also advised the Government of new information he had received in connection with the cases referred to in the following paragraphs, which were transmitted in previous years.

480. On 21 August 1992, the Special Rapporteur transmitted to the Government a summary of the complaints received regarding David Cabañas Barrientos, Ana Maria Vera Smith and Blanca Lirio Muro Gampoa, who were arrested on 12 and 13 June 1990, allegedly subjected to torture, and were serving a sentence in the North Remand prison of Mexico City. On 16 November 1992 the Government reported on the action taken by the National Human Rights Commission in the cases and noted that the representatives of the claimants had not submitted the documents required by the Commission. The new information received by the Special Rapporteur reiterated that the above-mentioned persons, activists of the People's Union Clandestine Workers' Revolutionary Party (PROCUP) and the Poor Peoples' Party (PDLP), and Felipe Edgardo Canseco Ruiz were held by members of the judicial police of the Federal District and subjected to such torture as electric shocks, near suffocation by application of a strong jet of water in their nostrils and placing of plastic bags over their heads. The torture was allegedly carried out to force them to reveal information about their political activities and confessions obtained under torture were used as incriminating evidence against them in subsequent judicial proceedings. The details of the injuries appeared in the report of the forensic physician attached to the records of the case. In their complaint of torture lodged with the National Human Rights Commission, they reportedly submitted in a timely manner evidence of the prolonged detention and certificates of the injuries they sustained. The Commission had also received a copy of the records of the case from the judge who had been hearing the criminal case since February 1991. Despite this submission, the Commission still had not expressed an opinion on the case.

481. On 18 October 1991, the Special Rapporteur informed the Government that he had received reports about the cases of Pablo Torres Hernández, Enrique Itehua Salas, Juan González Hernández and Hermenegildo Torres Cruz,

who were arrested in August 1991. Additional information received indicated that these PROCUP and PDLP activists, imprisoned in the North Remand prison of Mexico City, had been arrested by members of the judicial police of the Federal District and subjected to torture. At the premises of the judicial police of Cabeza de Juárez, Pablo Torres Hernández was subjected over the course of several days to various forms of torture, including near-suffocation with a plastic bag; beatings in the stomach, testicles and back and around the lungs; a beating on the face which caused him to lose consciousness; mock executions by firing squad; striking of both ears simultaneously with the palms of the hand; burnings with cigarettes; and application of electric shocks. Hermenegildo Torres Cruz was injured by several gunshots at the time of his arrest and was reportedly subjected to such torture as beatings with firearms while he was injured, death threats, mock executions by firing squad and striking of both ears simultaneously with the palms of the hands. On the basis of the confessions that they were forced to sign, the activists were tried and sentenced to several years' imprisonment. The cases were reported to the National Human Rights Commission, which had not yet given an opinion on them.

482. On 21 August 1992, the Special Rapporteur transmitted to the Government the cases of Italo Ricardo Díaz, Delfino de Jesús Aguilar Hernández, Rey Venegas Castro and Rubén Díaz Díaz, who were arrested in June 1991 by members of the judicial police in Mexico City and allegedly subjected to torture. The Government subsequently replied that the National Human Rights Commission had not been able to compile all the documents of the case because the representatives of the complainants had not provided all the documentation required. The additional information about the detention of these persons, who were serving sentences in the North Remand prison of Mexico City, included medical certificates and statements by witnesses and repeated that they were subjected to torture such as beatings all over their bodies, the introduction of icy and mineral water into their nostrils, electric shocks, threats of death and disappearance, and near-suffocation by placing plastic bags over their heads. They were also forced to sign confessions which were used against them afterwards in judicial proceedings. On 24 October 1994 the Government replied that an investigation had been opened in order to determine the responsibility of members of the Judicial Police and agents of the Public Ministry in the prolonged detention and torture of the above-mentioned persons.

483. On 26 August 1993 the Special Rapporteur transmitted to the Government the case of Manuel Manríquez San Agustín, an inmate at the North Remand prison of Mexico City, who had been sentenced to several years in prison allegedly on the basis of confessions obtained under torture. The National Human Rights Commission found evidence of torture and recommended that the Office of the Attorney-General should carry out an investigation. On 25 August 1994 the Special Rapporteur sent a further letter to the Government requesting information about the measures taken in order to follow up the above-mentioned recommendation. Subsequently, the Government sent a note summarizing the measures taken by the Offices of the Attorney-General and the Government Procurator of the Federal District against those presumed to have some kind of responsibility. With regard to some of these officials, it was decided that no offence had been committed; with regard to others the investigation has not yet been completed. In the matter of the "recognition of innocence" put

forward by Mr. Manríquez, the High Court of Justice of the Federal District decided to declare the case inadmissible on the grounds that it did not correspond to any of the hypotheses envisaged by article 614 of the Code of Penal Procedure.

Urgent appeals

484. On 31 January 1994 the Special Rapporteur transmitted an urgent appeal on behalf of Severiano Santiz Gómez, Sebasatián Santiz López and Hermelindo Santiz Gómez, members of the Tzeltal indigenous community of Morelia, Altamirano Chiapas, arrested on 7 January 1994 by the army and allegedly ill-treated. Thirty-one other persons were arrested during the same incident and were said to have suffered beatings and burns. In his letter of 29 March, the Special Rapporteur advised the Government that he had received further information indicating that the above-named persons' bodies had been found on 11 February 1994 and that at the time of their arrest they were brutally tortured in the presence of witnesses.

485. The Special Rapporteur transmitted another urgent appeal to the Government on 5 July 1994 on behalf of Maria Teresa Méndez Sántiz, Cristina Méndez Sántiz, aged 18, and María Méndez Sántiz, members of the indigenous community of Tzeltal Altamirano, Chiapas, who were reportedly detained on 4 June 1994 by members of the army between the localities of Santa Rosita Sibaquil and Altamirano. They were allegedly tortured and raped by about 30 soldiers who tried to force them to confess to participation in the EZLN. A medical examination subsequently corroborated the rape allegations.

Observations

486. The Special Rapporteur is concerned at the continuance of "an extremely large number of acts of torture of all kinds" (Committee against Torture, A/48/44, para. 228; see also the comments of the Human Rights Committee, A/49/40, para. 172). He is also disappointed by the limited results of the recently established National Human Rights Commission. In one of the few instances where it has made a clear finding, the responsible legal bodies have contrived to deny a remedy to Manuel Manríquez San Augustín, whose case is described above (para. 483) and in previous reports (E/CN.4/1994/31, para. 385).

Mozambique

Information transmitted to the Government

487. By letter dated 5 August 1994 the Special Rapporteur advised the Government that he had received information indicating that suspects held at police stations were routinely kicked, severely beaten, or flogged with a whip known as *chamboco*. Although the law requires suspects to be delivered promptly to the criminal investigation of the Policia da República de Moçambique (PRM) and to be brought before a judge within 48 hours, the procedures were said often to be disregarded.

488. The cases summarized in the following paragraphs were also transmitted to the Government.

489. Calisto Person was detained in Sofala province on 25 November 1993 and was not delivered until 6 December 1993 to the criminal investigation department in Beira. There he was allegedly beaten and tortured, resulting in the partial loss of use of his right arm. It was reported that the incident was being investigated by the Comissão de Cesar Fogo (Cease-Fire Commission), which was established to monitor the cease-fire agreed to in 1992 by the Government and the Resistência Nacional Moçambicana (RENAMO).

490. Jose Antonio Magalhães of Nampula province was reportedly arrested in January 1994 after a quarrel with an off-duty policeman, taken to a police station and allegedly beaten repeatedly.

491. Reports were also received according to which the Força de Intervenção Rápida (FIR), established to carry out protection and crowd control duties during important public events or in response to crises, had carried out assaults on civilians. The FIR was said to lack adequate training for normal police work. In one reported instance, the FIR was called out to a Maputo suburb on 5 December 1993, after a number of youths fought each other. Members of FIR allegedly broke into the home of Virginia Lopes, whose son had reportedly been involved in the brawl, and beat her and broke her arm.

Myanmar

Urgent appeals made and replies received

492. The Special Rapporteur made three urgent appeals on behalf of the persons mentioned in the following paragraphs. The dates on which the appeals were transmitted appear in brackets at the end of the corresponding summaries.

493. The following Karen women from Taw Kyauk village were arrested on 13 March 1992 by officials of the Slorc (State Law and Order Restoration Council) under accusation of supporting the Karen Women's Organization: Naw Hey Say, Naw San Win, Naw Dah Dah, Naw Nay Blut, Naw Wah, Naw Kyu Kyu, Naw Hla Ngwe, Naw Tin Kyi, aged 15, and Naw San Myint Htay, aged 17. In the course of the arrest they were each allegedly beaten brutally, two of them were raped and one was stabbed with a bayonet in both thighs. Thereafter, they were tied up and taken to the Toungoo jail. They were being held in detention and fears were expressed that they might still be subjected to torture or ill-treatment (21 December 1993).

494. Khin Zaw Win was arrested on 4 July 1994 by members of Military Branch Three at Yangon airport as he tried to board a plane for Singapore, where he was a student. It was not known where he was being held (19 July 1994).

495. In August 1994 the Government informed the Special Rapporteur that action was being taken against Khin Zaw Win under the 1923 Union Government Official Secret Act.

496. Khin Maung Swe, MP-elect and a member of the Central Executive Committee of the opposition National League for Democracy (NLD), Daw San San Nwe a

writer and U Sein Hla Oo, a journalist and the daughter of Daw San San Nwe, were reportedly arrested in Yangon on 4 or 5 August. Their place of detention was unknown (11 August 1994).

Information received from the Government on cases included in previous reports

497. On 3 November 1993 the Special Rapporteur transmitted to the Government allegations in the cases of U Aye Lwin, Nai Sein Aung Kyi, Maung Nyan Pwa and U Aung Thein. On 24 January 1994 the Government replied that the individuals had not been subjected to torture and ill-treatment in Myanmar. The Government also submitted information with respect to these cases, which is summarized in the following paragraphs.

498. The Special Rapporteur had received information indicating that Aye Luwin died in December 1992 from internal injuries sustained after a severe beating by a prison official at Insein prison. According to the reply by the Government, U Aye Lwin had not been subjected to torture at Insein prison. In November 1992 he fell ill and vomited blood and was taken to the prison hospital on 27 November, but died from his illness. A post-mortem carried out by the police surgeon at Yongon General Hospital showed no external injury to the body and no fractures to the skull, vertebrae or ribs. His heart and valve were swollen and his liver showed signs of chronic heart disease. The cause of death was certified as an inflammation of the heart muscles and cardiac arrest.

499. According to the information transmitted to the Government, Nai Sein Aung Kyi had been arrested and beaten severely and his wife, Mi Thaw, had been raped by members of the State Law and Order Restoration Council (SLORC) Infantry Battalion No. 31. According to the Government, Naing Sein Aung Kyi was picked up while drifting alone in Thanbyuzayt by the No. 62 Infantry Battalion and he asked to be a guide for military operations. He was taken to the No. 31 Infantry Battalion where he rested for four days and resumed his work as a guide. The allegation that his hands were broken was untrue. His wife was in fact a person named Daw Leik, and there was no person named "Mi Thaw" at Thanbyuzayat. Neither Daw Leik nor a person named "Mi Thaw" had visited him as alleged.

500. According to the information received by the Special Rapporteur, Maung Nyan Pwa and his father U Aung Thein were tortured by members of Infantry Battalion No. 97 after they had been arrested together with 100 men on the Zabu Aye boat in the Jine river. Maung Nyan Pwa allegedly had his right eyeball and eyelid smashed and his father was beaten to death with rifle butts. According to the Government, it was not true that the No. 97 Infantry Battalion had rounded up about 100 people on 10 January 1993. The Zabu Aye was not found to be sailing on the Jaing river. The names Maung Nyan Pwa and U Aung Thein could not be found in the records.

Nepal

Information transmitted to the Government

501. By letter dated 5 August 1994 the Special Rapporteur informed the Government that he had received reports indicating that torture in police custody continued to be used both as a means to obtain information or confessions and to punish persons detained for political reasons. Although Nepali Law requires that detainees be brought before a court and charged within 24 hours of arrest, victims were said often to be arrested without warrants and held for prolonged periods, at times incommunicado, and sometimes in excess of 20 days.

502. According to the reports, torture occurred in Sindhuli, Gorkha, Kaski, Katmandu, Lalitpur, Bhaktapur, Ilam, Morang, Rolpa, Lamjung and Rukum districts. The forms of torture used were said to include beatings with sticks; beating on the soles of the feet (falanga); beatings with sisnu (a plant which causes painful swellings on the skin); punching, kicking, having pins inserted under the fingernails and being threatened with rape.

503. The individual cases summarized in the following paragraphs were also communicated to the Government.

504. Teelu Ghale was arrested in Katmandu on 22 September 1993 and at the Hanuman Dhoka station police officers allegedly beat her, applied electric current to her wrists, attempted to rape her and attempted to extort money from her. On 26 September, her mother filed a habeas corpus petition in the Supreme Court, and the police reportedly responded by denying that they had arrested her. She was then transferred to Bhaktapur police station, where she was allegedly further abused and denied food for two days. She appeared before the Supreme Court on 5 October, following that Court's order to produce her, and the police maintained that she had been arrested only the previous day. A Supreme Court investigation was said to have concluded that she had in fact been arrested on 22 September and contempt of court proceedings were said to have been initiated against the police. No action, however, was said to have been taken to investigate the torture allegations.

505. Jagrit Bhetwal and Amik Sherchan, members of parliament, were among those persons reportedly beaten and arrested by police on 20 July 1993 during demonstrations in support of a nationwide transportation strike. Amik Sherchan allegedly suffered a broken hand and was hospitalized as a result. Also in connection with the demonstrations, Harihcandra Raya was arrested on 19 July at Janakpur in the southern region and was allegedly subjected to torture in police custody.

506. Bijaya Lama, an 18-year-old labourer in Suryavinayak, Bhaktapur, was arrested on 5 July 1994 during a demonstration in Bhaktapur. He was allegedly taken to the office of the District Superintendent of Police with a number of other detainees and beaten severely until he was unconscious. The following morning, he was brought to Bhaktapur hospital and diagnosed as suffering from a head injury. He was then transferred to Bir hospital, where he died.

507. Kiran Shrestha, Shankar Rokka, and Lochan Nepal, students aged between 14 and 16, were allegedly severely beaten in police custody on 23 August 1993 at the Barahathawa police station. They reportedly had apprehended a businessman who they believed was responsible for corrupt practices in the distribution of flood relief supplies, and they had taken him to the police station. Kiran Shrestha was allegedly beaten unconscious in the incident and taken to Janakopur hospital for emergency treatment. It was reported that the Malangwa Deputy Superintendent of Police requested the police inspector at Barahathawa police station to apologize for the beatings and that the inspector had replied that he would do so only if no official action were taken against him.

Niger

Urgent appeals

508. On 9 June 1994, the Special Rapporteur transmitted to the Government an urgent appeal on behalf of Aghali Awaiss, Moussa Oubba and Halid Daoul, Tuaregs who were reportedly arrested on 17 or 18 May 1994 in the area north of Agadez. They had allegedly been tortured and it was feared that they would continue to be subjected to torture in detention. The reports received also indicated that two other persons arrested at the same time had died as a result of torture and that since these arrests other members of the Tuareg community had been arrested and probably tortured.

Nigeria

Urgent appeals

509. On 30 May 1994 the Special Rapporteur transmitted to the Government an urgent appeal on behalf of Ken Saro-Wiwa, a writer and leader of the Movement for the Survival of Ogoni People (MOSOP), who was arrested on 22 May 1994 following a raid on his house in Port Harcourt, Rivers State, south-east Nigeria. He was taken to the Bori military barracks in Port Harcourt where he was reportedly held incommunicado and denied access to medication he needed to take regularly due to a heart condition. He was also said to be kept in leg irons and handcuffs.

510. In a subsequent urgent appeal transmitted on 10 August 1994, the Special Rapporteur informed the Government that he had received new information according to which during the preceding few days Ken Saro-Wiwa's hands and legs had been kept in cuffs and he had been subjected to intense beatings.

511. On 15 August 1994 the Government replied that the right to physical and mental integrity of Ken Saro-Wiwa was fully protected as set forth in various international instruments and the Nigerian Constitution. It was not true that he had been subjected to intense beating nor had his hands and legs been in cuffs. On 10 November 1994 the Government further replied that Ken Saro-Wiwa was being given necessary medical attention and free access to his family and attorney.

Norway

Urgent appeals

512. The Special Rapporteur transmitted an urgent appeal on 24 August 1994 concerning Iranian nationals Bahlul Karbaly Khalil Moghadami, Mansour Mohammadi Injeh and Farhad Mohammadi Injeh, who hijacked an Aeroflot plane over Russian territory on 15 September 1993 and landed in Oslo. The Russian Federation had requested their extradition in accordance with the Hague Convention of 1970 on unlawful seizure of aircraft. The Special Rapporteur was informed that the Norwegian Ministry of Justice had decided on 23 August 1994 to extradite these persons in accordance with the Russian request.

513. Assuring the Government that he did not wish to prevent those accused of a serious crime such as hijacking from being brought to justice, the Special Rapporteur appealed to the Government not to extradite the above-mentioned individuals, particularly unless it could assure itself and take measures to ensure that the individuals would not be subjected to such torturous conditions as existed in some pre-trial detention centres in the Russian Federation. The Special Rapporteur, having recently undertaken a mission to the Russian Federation to examine conditions of detention, had concluded that conditions in certain pre-trial detention centres, such as Butyrskaya and Matrosskaya Tishina 1 in Moscow, were for certain categories of prisoners so gross due to overcrowding as to be a detriment to health (see E/CN.4/1995/34/Add.1). Those detention centres had in fact been described as inhumane by responsible Russian authorities. In addition, one of the prisoners suffers from a severe case of post-traumatic stress syndrome as a result of imprisonment and torture in the Islamic Republic of Iran and had attempted suicide in a Norwegian prison. In the light of this alleged torture and of repeated allegations of torture in the Islamic Republic, the Special Rapporteur also asked that the Government ensure that any extradition to the Russian Federation not be followed by extradition or deportation to Iran.

514. On 6 October 1994 the Government replied that the extradition decision by the Ministry of Justice followed a Eidsvoll court of summary jurisdiction ruling that the criteria for extradition under the Norwegian Extradition Act had been fulfilled. The ruling had stipulated that, barring exceptional circumstances, the persons not be re-extradited to a third State. This ruling was appealed to the Eidsivating High Court and the Supreme Court Appeals Committee and was dismissed. The Norwegian Ministry of Justice and police had considered carefully the objections raised by the hijackers as well as the Government's international obligations and could not see that the extradition would contravene its international obligations. The Ministry of Justice considered it decisive that the aircraft hijacking was an extremely grave offence which was carefully planned and which put passengers and crew in danger of their lives. The Norwegian authorities would ask the Russian authorities for permission to visit the persons after extradition in order to remain informed about their situation in Russia after they were taken into custody. The Ministry's decision was subject to appeal and such an appeal has been lodged.

Pakistan

Information transmitted to the Government

515. By letter dated 21 July 1994 the Special Rapporteur informed the Government that he had continued to receive reports indicating that torture in the custody of the police, the paramilitary and the armed forces was endemic, widespread and systematic. Torture was said to be used by police to gain information, to obtain confessions, or to intimidate or punish detainees, and often resulted in death. Torture was reportedly practised against persons detained for political reasons, criminal suspects, and persons from whom police sought to extract a bribe.

516. The methods of torture reported included prolonged blindfolding; prolonged enforced standing; beatings with sticks and leather truncheons (the chittar); pulling the legs apart painfully (cheera); passing rollers over and beating the genitalia; burnings with cigarettes; application of electric shocks, frequently to the temples, knees, and genitalia; drilling with electric drills into the bone; hanging the body upside down for prolonged periods; being dragged through the streets by a vehicle; food and sleep deprivation; subjection to mock executions; and rape.

517. On the way from police detention to a magistrate, detainees were said frequently to be threatened with further torture to dissuade them from revealing to the magistrate that they had been subjected to torture. Police were said seldom to investigate complaints of torture, even when under a court order to do so, and trials of officials accused of torture were rare. In the case of torture committed by members of the armed forces in Sindh province, the difficulty of prosecution was said to be exacerbated by a presidential ordinance which granted immunity from criminal prosecution to army personnel for any action undertaken "in good faith" during the law and order operations in that province. Medical officials were often pressured into issuing false medical reports so as to obscure the role of torture in the injuries or death of detainees.

518. The individual cases described in the following paragraphs were also communicated to the Government.

519. Ghulam Mustafa Soomro was reportedly arrested and beaten on 7 December 1992 by 10 to 12 members of the paramilitary Rangers, Kurram Militia, at his home in Sita Road, Sindh province. He was then blindfolded and brought for interrogation to the Kharipur Natanshah Ranger camp where the commanding officer and other Rangers allegedly beat him with sticks and leather whips until he fainted. Later, he was allegedly tied with ropes around his ankles and wrists at the back, hanged by those ropes from the ceiling, and simultaneously beaten on the legs and soles of the feet until he vomited. A medical officer of the Rangers reportedly gave him an injection of an unknown substance. After several days of continuous interrogations and beatings he was on 16 December taken to the Sita Road marketplace and, along with four other prisoners, stripped naked, and had his moustache and hair shaved off. The five men had their hands tied with ropes hitched to an army pick-up van and they were dragged through the main streets of the Sita Road area. They allegedly were forced to run to avoid falling down and being

dragged along, while another truck followed which pushed the men whenever they could not keep up with the speed of the truck. This humiliation lasted about two hours, during which time children were forced to come forward and hit the men. Thereafter, Gulam Mustafa Soomro was taken back to the camp and received no medical attention. He was released in front of his home on 23 December in a semi-conscious state. It was alleged that the military were acting at the behest of a party to a land dispute against a neighbour to whom Ghalam Soomro had given support.

520. Inderjit Lohana and his two brothers were arrested by uniformed army personnel and the Station House Officer (SHO) of Bhitai Nagar police station on 16 September 1992 in Citizens Colony, Hyderabad. Over the next several weeks at an army camp at Brigade 55 headquarters he was allegedly subjected to electric shocks applied to his knees and temples, deprived of sleep for a period of six or seven days, beaten with a leather whip or belt and made to lie down and stand up in a repeated and continuous manner. After he told the High Court judge at his hearing that he had been tortured while in army custody, the judge ordered that he be released within three days. Instead, he was allegedly transferred on 6 November to army custody and was not released until 22 March 1993 following a general amnesty.

521. Bebal Khatoon Shirazi, aged 65, reportedly had her house in Chhato Chand village raided on 18 December 1992 by a group of officers from Thatta police station, Sindh province, and an army team. The authorities had been looking for a relative who was not present, and since no male member of the household was present, the women and children resisted the raid of the home. The police allegedly beat the women and children. Bebal Khatoon Shirazi was hit on the head and the body with rifle butts and died some hours later as the result of her injuries. An inquiry commission was reportedly set up on 23 December to determine the cause of death, but the result of the inquiry was unknown.

522. Nazir Masih was arrested on 21 May 1993 by two police constables from Batala Colony police station, Faisalabad, Punjab province, to whom he had reportedly refused to supply liquor the previous night. His family members were said to have observed over the wall of the police station that Nazir Masih was being beaten severely and was shrieking with pain. He died that day and a post-mortem report issued by the medical superintendent noted that a blunt weapon had caused ten injuries on the body, mostly on the head and shoulders. The magistrate of Faisalabad was said to be conducting a preliminary inquiry into the cause of death, but the result of the inquiry was unknown.

523. Niaz Hussain Pathan was arrested near Kotdiji, Khairpur district, by a number of armed police while travelling on 11 September 1992 on a bus in Sindh province. The police allegedly demanded payment for his release from a relative the following morning. Niaz Pathan was observed with his wrists and ankles shackled with iron chains and he called from his cell that he had been severely beaten and stripped of his possessions. On 14 September, when relatives and friends again approached the station to seek his release, they were reportedly told by the SHO that Niaz had never been in police custody. On 20 September the police reportedly told his mother that he had died in an encounter with police officials that morning involving bandits. It was alleged that Niaz in actuality had been tortured to death and three police

officers were accused of his murder by his family in a complaint lodged with the senior district magistrate at Kotdiji in December 1992. It was unknown whether any investigation was being pursued.

524. Mujib Aijaz Jatoi, a grandson of a prominent Sindhi peasant leader, was arrested by the SHO of Hala on 3 August 1993 while travelling on a bus from his home in Larkana to Karachi. He was allegedly tortured and died in custody the following day. His body was said to have had more than 100 marks of torture, including electric shock marks, and injuries to the head, legs, chest, and testicles, and the nails of his fingers had been pulled out. The police reportedly contended that he had committed suicide in custody and the senior police superintendent of Hyderabad and the Hala police allegedly refused his family's attempt to file a complaint. The High Court of Sindh, Hyderabad, subsequently ordered an investigation, but the result was unknown.

525. Syed Ali Haider Shah, from Sindh, was arrested by the army on 8 June 1992 and reportedly died in custody two or three days later from what the army said was heart failure. Numerous torture marks were reportedly observed on his body. A judicial inquiry under the sub-divisional magistrate, Dadu, was said to have been set up to investigate the case in December 1992, but the result of the investigation was not known.

526. Ashgar Narejo, from Keti Bhutto near Larkana, Sindh, was arrested, along with 17 relatives, by army and police near Khairpur on 13 June 1992. He was allegedly hanged from a tree and beaten severely with sticks and steel rods. He died around 18 June and officials were said to have declared the cause of death to have been a heart attack.

527. Khan Mohammad Korai, from Moro, Sindh, was arrested on 2 August 1992 by the 47 Frontier Force Regiment from Moro after they had failed in their search for his brother. His body was returned to his family the next day, allegedly bearing marks of multiple injuries, including electric shocks and fractures of the neck and legs. A military official who brought the body to the family was said to have admitted that the victim had died after torture. A petition filed by his family was heard in March 1993 by the Sindh High Court, which called for a decision by the military court of inquiry. It was not known if any further action had been taken on the case.

528. Qalander Bukhsh Brohi, a journalist from Badah, Dadu district, Sindh, was arrested by officers of Khwaja Ajmer Nagri police station on 26 August 1992 and, after demanding to be apprised of the reason for his arrest, was allegedly struck with a rifle butt and hung upside down. He reportedly died on the way to hospital. An autopsy was conducted, but the result was unknown.

529. Ahmad Khan, of Pir Mohammad Narejo village near Gumbat Khairpur, Sindh, and Allah Rakhiyo were arrested along with two other persons on 24 September 1992 during a raid by the police and army. They were allegedly taken to Piri camp and tortured until they lost consciousness. Ahmad Khan reportedly died on the way to Karachi by ambulance.

530. Mohammad Razzaq of Kamoke in Gujranwala district, Punjab, was arrested on 22 October 1992. He and his father, Mohammad Anwar, were allegedly beaten severely in custody and Mohammad Razzaq died that day. The Lahore High Court

reportedly ordered the senior police superintendent of Gujranwala to investigate the case, but the result of the investigation was unknown.

531. Aurangzeb, of Sukkur, Sindh, was arrested in September 1992 and died in detention in Sukkur jail in November 1992. He was allegedly tortured to death. Although a post-mortem report of Civil Hospital, Sikkur, was said to have stated that he had died of natural causes, his parents subsequently had his body exhumed from Qayyumbad graveyard, and a medical board reportedly found that no previous post-mortem had in fact been performed. The further results of the autopsy were unknown.

532. Mohammad Liaqat (alias Boota), his wife, Hamida Begum, and three daughters from Sheikhupura, Punjab, were arrested on 12 October 1993 by police from Bikhi police station, Sheikhupura. Boota and his wife were allegedly tortured and Boota died in custody in November or December 1992. The Lahore High Court reportedly ordered investigations, the results of which were unknown.

533. Bhural Jatoi, of Dost Ali Jaitoi in Sukkur district, was arrested with six other villagers by officers of Dubbar police station, Sukkur district. He was allegedly hanged upside down for 24 hours, cut with razor blades and kicked in the chest. He reportedly died of his injuries on 22 December 1993.

534. Mohammad Arif Khatiyan, a People's Party of Pakistan (PPP) activist in Hyderabad district, Sindh, was arrested on 4 June 1993 in Arif Khatiyan, Hyderabad, and taken to Tando Jam police station, where he was allegedly tortured by three police officers. On 7 June, he was said to have been given first aid for his injuries and released, but later had to be taken to Rajputana Hospital, where he died. At the hospital, it was observed that his liver and kidneys were damaged and that he was passing blood with his urine. On 22 July 1993 the Sindh High Court ordered a complaint to be registered against the three officers after the police at Tando Jam police station had refused to register such a complaint. It was not known whether an investigation had begun.

535. Makhno Khan Jagirani, from Sabul Jagriani near Ahmedpur, Khairpur Mirs district, Sindh, was arrested with 14 other persons during a raid on 5 July 1993 by police from Ahmedpur police station. The other 14 persons were released, reportedly after paying bribes, but Makhno Khan Jagirani, who was said to be lame and suffering from kidney trouble, was allegedly tortured after refusing to pay the bribe. He reportedly died thereafter in police custody. Persons protesting his death were said to have been threatened with "dire consequences" by the deputy commissioner in Khairpur if they did not give up their protest.

536. Ijaz Khan, a tribal person from Lakrai village in Mohmand Agency, arrested on 5 July 1993 by officers from Kohsar police station in Islamabad, was allegedly tortured to death, although the police reportedly maintained that he had committed suicide. A medical board was said to have found torture marks on his body, but reserved judgement pending a laboratory report. The Islamabad district magistrate and the police department ordered separate inquiries, the results of which were unknown.

537. Mohammad Sarwar, a trade union activist of Thatta Sindh, was arrested along with 23 other trade union activists in their quarters in the Dewan Sugar Mill colony on 26 July 1993 by officers of Mirpurbathoro police station. The management of the mill had reportedly filed a complaint against the activists. They were allegedly tortured in custody so as to pressure them to resign their positions. Mohammad Sarwar was said to have sustained spinal injuries in police custody and to have died as a result. The Thatta district magistrate ordered an investigation, the result of which was unknown.

538. Nazir Ahmed, from Karache, Sindh, was arrested on 19 July 1993 by officials from Kharadar police station. When brought before a magistrate on 31 July, he was reportedly sent to Landhi jail, as he had sustained serious injuries in custody. At Landhi, he allegedly received no medical attention for his injuries. On 3 August he was transferred to Civil Hospital, Karachi, where he died. His body was said to have extensive cut marks and injuries to his genitals. Doctors at the hospital reportedly stated that his death had been due to severe torture.

539. Noor Muhammad Qureshi was arrested on 23 December 1992 in Phuleli by four officers of Pinyari police station in Hyderabad district. His family members were said to have observed the police beating him with sticks and fists. He was allegedly taken away bleeding in a van and two hours later his body was found with a broken arm and multiple bruises in a nearby canal. Although the Pinyari police reportedly refused to register a complaint brought by family members, the Sindh High Court heard their petition in April 1993. The outcome of those proceedings was unknown.

540. Gulloo Machhi, from Kot Nizamani village near Tando Jam, Sindh, was arrested during a raid of his village by officers of Chambar police station on 25 April 1993. The next day police reportedly handed his body over to his family, telling them he had committed suicide by slicing his throat. It was alleged that he had in fact been tortured to death for failing to pay a bribe and that a post-mortem had been falsified under police pressure to show suicide as the cause of death. On 29 May, the family reportedly had the body exhumed, and a second autopsy was said to have cast doubt on the results of the first post-mortem.

541. Ten men were taken into custody on 12 August 1992 after around 30 uniformed men of the Ghotki police and the army raided Deh Issa Wali village in Sukkur district, Sindh. Sattar Bux, Ali Mohammad Qamruddin Indhar, Khadim Indhar and Subhoi Indhur were allegedly tortured at Ghotki police station. Another villager, Jaffar, was reportedly arrested on 19 September and subsequently tortured. Mohammad Qamruddin, Khadim Indhar and Subhoi Indhur were said to have died as a result of their treatment in custody.

542. Farooq Ahmed, the 70-year-old father of the Secretary General of the Mohajir Qaumi Movement (MQM), Imram Farooq, Mushtaq Saigol, an MQM member and former advisor to the Sindh chief minister, and his two sons Norman and Amir Saigol were arrested on 31 October 1992 in Karachi by police, army and Rangers. During the arrest, Mushtaq Saigol's wife Shanaz Saigol was allegedly hit with rifle butts and was threatened that her sons would be killed if she did not reveal the whereabouts of Imran Farooq. The four arrested men were

allegedly blindfolded for two days in an unknown place and deprived of food and drink. Norman Amir Saigol was said to have had his legs pulled apart in different directions during interrogation.

543. Mohammad Tariq was arrested on 30 June 1992 and taken by police to North Nazimabad police station. He was questioned about his brother and when he could supply no information, he was allegedly beaten and kicked unconscious. On 27 July he was reportedly transferred to Taimuria police station, tortured, and released after his family had paid officials a large sum of money.

544. The Special Rapporteur also informed the Government that he had received information indicating that the substantial majority of women held in police custody were subjected to some form of sexual abuse, including rape. Registering a rape complaint was said to be problematic, because the Islamic Zina Ordinance of 1979 made it difficult for a woman to meet the evidential requirements to establish her case. Failing to establish such a case reportedly exposed the complainant to a potential charge of illicit sexual intercourse, an offence punishable under the Ordinance with death by stoning. It was further reported that when the alleged perpetrator of rape was a member of the police, army, or other governmental official, the police often refused to register a complaint or pressured or bribed the victim into dropping the charges.

545. The Government in October 1992 reportedly approved an amendment to the Code of Criminal Procedure under which women may not be held in a police station overnight and may only be interrogated in the presence of their husbands or a close male relative. Under the amendment, women would have to be held in judicial custody and could be moved to police custody for interrogation only on court orders. The amendment was said to have not as yet been approved by parliament.

546. The individual cases summarized in the paragraphs below were also communicated to the Government.

547. Lau, a 14-year-old girl, was allegedly raped by three police officers, including a head constable, on 17 October 1992 at the police station in Tando Ghulam Haider in Hyderabad district. She was reported to have been one of eight members of the Bheel tribe returning in a van from a festival who were stopped by police near Matli, Sindh province. The eight travellers were allegedly arrested and beaten. Three officers were tried and convicted of gang rape, but the conviction was overturned on procedural grounds.

548. Shamin, a 21-year-old mother of two children, was reportedly kidnapped and raped by three men in North Nazimabad in Karachi. After her mother lodged a complaint in the Pirabad police station, Pirabad police arrested Shamin instead of investigating the rape allegations. They allegedly threatened to charge her with adultery and demanded payment for her release. When her mother could only procure part of the sum requested, they charged Shamin under the Zina Ordinance and held her in police custody for six days, during which time two police officers and a third unnamed person allegedly regularly raped

her. The Sindh High Court in August 1992 ordered a First Information Order to be filed against the two officers. It was not known if an investigation had been undertaken.

549. Further information was communicated according to which some young boys had been subjected to rape in the custody of police. It was reported that Rashid Mallah, aged 14, was beaten and raped by a police constable of police station Meldsi near Shahdadpur in Sanghar district, Sindh province. A complaint was registered against the constable by police, but it was unknown whether an investigation had taken place.

550. Finally, the Special Rapporteur advised the Government that he had received reports, according to which private landlords or waderas, particularly in Sindh province, were running private jails wherein bonded rural labourers were kept captive and were subjected to severe ill-treatment. Detention and torture in such private jails was said to occur often with the knowledge, connivance or direct involvement of the police and other organs of the State. Several private jails in Sindh were said to be maintained by elected members of the National Assembly from both the Islamic Democratic Alliance and the Pakistan People's Party. In one case a rural jail with 130 chained rural labourers discovered in mid-1993 was said to belong to Salim Akbar Bugti, a member of the National Assembly.

Information transmitted by the Government with respect to cases included in previous reports

551. On 28 April 1993 the Special Rapporteur sent an urgent appeal on behalf of Lisa Evelyn Encore, an American citizen detained in prison in Karachi, who was five months pregnant and suffering from dysentery, pneumonia and possibly hepatitis. She was reportedly being provided little or no medical care and insufficient food. On 1 July 1994 the Government responded that she had given birth in hospital in August 1994; that the United States Vice Counsel and all requested relatives had been allowed to visit her; that a special diet of milk and meat had been provided to her and to her baby; that her baby had been given appropriate vaccinations; and that all medical facilities had been provided to her and to her baby.

Observations

552. Over the past two years of his mandate, the Special Rapporteur has had discussions with the Permanent Mission of Pakistan to the United Nations Office at Geneva with a view to his being granted an invitation to visit the country. While prospects at first seemed promising, the Government eventually informed the Special Rapporteur that a mission was not convenient during the current year, but that it hoped to welcome the Special Rapporteur next year. The Special Rapporteur would be glad if that hope were realized, as the allegations he has received give grounds for serious concern.

Peru

Urgent appeals

553. The Special Rapporteur transmitted an urgent appeal on 8 June 1994 on behalf of César Flores González, a journalist, who was detained on 30 April 1994 by a military patrol in the town of Huanta, department of Ayacucho. He was taken to the Castropampa military base and allegedly beaten before being released on 6 May. Fears were expressed that upon returning to Huanta he would be arrested and ill-treated again.

554. On 14 September 1994 the Government replied that Mr. Flores had been arrested in the context of an operation carried out by the army to recruit people to perform military service. He was taken to the Castropampa base, but was never subjected to ill-treatment.

555. The Special Rapporteur transmitted another urgent appeal on 26 September 1994 on behalf of María Elena Foronda and Oscar Díaz Barboza, Director and Administrator, respectively, of the environmental organization Instituto Natura, who were detained under anti-terrorism legislation by members of the anti-terrorism police on 13 September 1994 in the town of Chimbote, Santa province, Ancash department.

Information received from the Government with respect to cases included in previous reports

556. On 16 August 1993 the Special Rapporteur made an urgent appeal on behalf of Juan Abelardo Mallea Tomailla, a taxi driver arrested in Lima on 10 July 1993 by members of the National Directorate against Terrorism (DINCOTE). The Government referred to this case in a letter dated 7 December 1993 in which it is stated that this person was a member of the Partido Comunista del Perú (Sendero Luminoso) and that it had been proven that he was the author of a hand-written text which appeared on a map. The map showed the location of four unmarked graves on the outskirts of Lima, which contained the remains of the professor and nine students abducted from La Cantuta University in July 1992. The sources, however, informed the Special Rapporteur that they had consulted a handwriting expert in the United States who found that Mr. Tomailla's handwriting did not correspond to that found on the map. In its response the Government also stated that he was examined by a doctor who established that he was physically and mentally well. It was not said, however, when this examination was carried out.

557. The Government referred to the same case in another letter dated 24 January 1994 in which it stated that the provincial attorney in charge of the investigation found no evidence to charge Mr. Tomailla with terrorism-related offences. In a third letter dated 5 May 1994 the Government stated that the Lima Higher Court had ordered his release on 28 April 1994.

558. Rafael Leandro Rodríguez Eduardo was reportedly ill-treated on the premises of El Tambo police station in Junín in June 1991. On 14 September 1994 the Government replied that he had been arrested for theft but was never subjected to ill-treatment.

559. Regarding the cases referred to in the following paragraphs, the Government sent its replies on 20 October 1994.

560. Juan Arnaldo Salomé Aduato was allegedly tortured by the police after being arrested in Huancayo on 24 April 1991. The Government stated that he had never been arrested by the Junín police.

561. Antártico Daniel Salas Córdova died on 27 April 1992, allegedly as a result of torture inflicted by members of the police who arrested him in San Martín, Lima. The Government replied that the National Police was carrying out an investigation.

562. Martha Huatay Ruiz, a lawyer, was arrested on 17 October 1992 in Lima and allegedly tortured in the premises of DINCOTE. The Government stated that on 8 May 1993 she was examined by a doctor who did not find evidence of torture.

563. Wigberto Vásquez, Plácido Alvarado, Víctor Morales, Crisanto Velásquez, Guillermo Granda, Guillermo Oyola, Javier García Huamán, Benjamín García Huamán, Daniel Cruz and Samuel Huamán were arrested on 27 June 1992 in the province of San Ignacio, Cajamarca, and allegedly tortured by the police. The Government replied that these persons had been lawfully arrested and that they had not been subjected to ill-treatment.

564. Pilar Coqchi Calle was arrested on 23 January 1990 in Huamanga for terrorism and allegedly tortured by the police. The Government stated that she had been sentenced to a prison term for terrorism. No mention of torture allegations was made in the reply.

565. Maria Elena Loayza Tamayo was arrested in Lima on 6 February 1993 and allegedly tortured by members of DINCOTE. The Government replied that she was subjected to interrogation on 15 February 1993 in the presence of her lawyer and never complained about having been tortured. She was kept incommunicado for 10 days, in accordance with the law and with the authorization of the Public Ministry and the judge. The medical examination conducted before 15 February 1993 did not reveal that torture had taken place.

566. María de la Cruz Pari was reported to have been raped while in detention by members of DINCOTE. The Government reported that she had made no complaint when she was visited by representatives of the Red Cross and the Public Ministry. The medical examination carried out on 11 January 1993 did not reveal that she had been raped.

567. Higinio Quispe Pérez and Eleuterio Inga were arrested on 12 April 1991 and allegedly tortured by soldiers of the Chaquicocha military base, Huancayo. The Government stated that they had made statements according to which they were kept in detention for a few hours by two persons who did not identify themselves and, therefore, they could not be sure whether or not they belonged to the army. No complaint was filed against members of the military.

568. Senobio Enríquez Vargas was arrested on 24 January 1992 at Manta, Huancavelica, and allegedly tortured by members of the army. The Government replied that an investigation had been ordered.

569. Juan Arnaldo Salomé Adauto was arrested in Huancayo, Junín, on 24 April 1991 and allegedly tortured by the police. The Government replied that a disciplinary investigation had been conducted. The allegations, however, proved to be false.

570. José Natividad Flores Rojas was arrested on 22 July 1992 at Bagua, Amazonas, and allegedly tortured by members of the army. The Government replied that following investigations carried out by the army command and the Public Ministry, the allegations proved to be false.

571. Rosenda Yauri Ramos and Alberto Calipuy Valverde reportedly died as a result of torture inflicted by members of the army in Angasmarca, Santiago de Chuco, La Libertad, in March 1993. The Government replied that following a disciplinary investigation, four members of the army were found to be responsible for the killings. The penal investigation had not yet concluded.

572. Marcos González Tuanama was arrested on 29 April 1992 and allegedly tortured at the Mariscal Cáceres military base, San Martín. The Government stated that the Public Ministry has not yet been able to complete the investigation due to lack of cooperation from the alleged victim.

573. Marco Zarate Rotta, Enrique Aguilar del Alcázar and César Cáceres Haro, members of the army, were arrested in November 1992 following an attempted coup d'état, and allegedly tortured. The Government replied that the medical examinations carried out did not reveal ill-treatment.

Observations

574. The Special Rapporteur was not able to transmit to the authorities substantial information he received suggesting that the Committee against Torture had good reason to be concerned by a widespread practice of torture in the investigation of terrorist offences and impunity for its perpetrators (CAT/C/SR.194/Add.1 of 22 November 1994). The Government's response to earlier cases seemed to suggest that it is mainly concerned to note an alleged insufficiency of proof in individual cases, rather than aggressively to come to grips with a widespread practice.

Philippines

Information transmitted to the Government and replies received

575. By letter dated 5 August 1994 the Special Rapporteur informed the Government that he had received reports indicating that torture was practised at times in detention centres and military camps. The methods used were said to include beatings, choking, sleep deprivation, blindfolding, placing one's head in a toilet, injection of "truth serum", and being forced to dig what one is told is one's grave.

576. Information was transmitted to the Government about the cases of Zaldy Acono and Orsenio Mendez, who were reportedly arrested on 25 July 1993 by the 76th Infantry Battalion of the Philippine Army in Quezon province under suspicion of being members of the New People's Army (NPA). When they were

unable or unwilling to answer the soldiers' questions concerning the whereabouts of their alleged companions, they were allegedly slapped, kicked, hit in the stomach with rifle butts and had plastic placed over their heads so as to interfere with their breathing. They were then said to have been tied up for two days in the forest.

577. On 10 November 1994 the Government replied that investigations conducted by the Philippine Commission on Human Rights (PCHR) Regional Office based in San Fernando, Pampanga, established that the 76th Infantry Battalion had never been stationed in Quezon province. Investigations by the PCHR in Region IV in San Pablo City likewise yielded negative results. The PCHR was still looking for other leads for the solution of the case.

578. The Special Rapporteur by the same letter advised the Government that he had received information according to which members of the Citizens Armed Forces Geographical Unit (CAFGU), a paramilitary force established in 1987 to fight the armed rebel movement, had engaged in torture and ill-treatment of persons in their custody. It was alleged that the military, which is charged with supervising the CAFGU, frequently tolerated or even encouraged such abuses.

579. In this connection, the Special Rapporteur transmitted the case of Emily Absalon, aged 13, who was allegedly raped on 4 July 1993 by two members of the CAFGU PNP 268th Mobile Force. The two men had gone to the victim's house at Mindigurin, barangay Malawaan, Rizal, Mindoro Occidental, to look for her father who they alleged was a member of the NPA. They were said to have ransacked the house and taken the victim, her two sisters and a brother towards barangay Magsikap, during which time the victim was allegedly separated from her siblings and raped by both men. The children were then brought home and warned that they would be killed if they told anyone of the incident. Their mother subsequently filed a complaint with the regional trial court at San Jose. The two CAFGU members were reported to have been arrested and detained at the San Jose provincial jail in Mindoro Occidental, but the outcome of any proceedings against them was unknown.

580. The Government replied that three criminal cases of rape and robbery had been filed against two defendants who were detained at the Mindoro Occidental provincial jail and a trial was under way before branch 46 of the regional trial court in San Jose. The PCHR Regional Field Office in San Pablo, Laguna, in collaboration with the Office of the State Prosecutor, had acted as Special Prosecutor in the case.

581. Finally, the Special Rapporteur advised the Government that he had received information that Eduardo Haz and two cousins, Geby Domigina and Armando Domigina, were tortured on 4 October 1992 by two CAFGU members with the assistance of around 30 soldiers of the 49th Batallion of Bentuco, Gubat, Sorsogon. It was alleged that the pregnant wife of Eduardo Haz, Lolita Domigina Haz, was shot and killed by one of the CAFGU members at her mother's residence at Sta. Lourdes, Barcelona, Sorsogon for alleged membership in the NPA. Some time later that day, her husband and the two cousins were reportedly seized and brought to the church and tied up. The soldiers then ordered six families occupying nearby houses to come out and watch the three

men being tortured. The men were then taken into custody for interrogation by the soldiers. Geby and Armando Domigina were released, but Eduardo Haz was reportedly killed and his body discovered.

Portugal

Information transmitted to the Government

582. By letter dated 17 August 1994 the Special Rapporteur transmitted to the Government the following cases of torture alleged to have occurred in the country.

583. Carlos Robelo was arrested on 3 March 1993 by the judicial police (PJ) and allegedly beaten severely by PJ members in the station in Lisbon. After he appeared in court, the judge ordered him to be taken to hospital for treatment, but instead he was taken back to the station where the duty doctor noted only slight injuries. After his committal to prison to await trial, the Prison Services sent him to a private doctor for x-rays, which revealed five fractured ribs. He reportedly made a formal complaint to the Almada court, which passed the file to another office in Lisbon for investigation, but no inquiry was carried out. A new investigation was said to have been opened.

584. José Pedro Tavares Teles Rocha, a mentally disabled man, was reportedly stopped by two members of the public security police (PSP) and asked to identify himself. After he made what was said by witnesses to be a facetious reply, the two officers allegedly attacked him and kicked him while he was on the ground. After being detained overnight, he appeared in court the next day, reportedly with a swollen and purple face, and injuries to his neck. The judge suspended the hearing pending examination.

Information received from the Government with regard to cases included in previous reports

585. On 3 November 1993 the Special Rapporteur transmitted to the Government information on the case Francisco Carretas, who was allegedly tortured by agents of the Almada gendarmerie unit in Charneca da Caparicia on 6 February 1992. By the same letter, the Special Rapporteur also communicated the case of Orlando Correia, who was allegedly assaulted by PJ officers on 9 September 1992 in Guarda prison. On 20 June 1994 the Government replied that a judicial procedure was under way in the case of Francisco Carretas, with results as yet undetermined. With respect to Orlando Correia, the Government on 10 August 1994 replied that an investigation by the PJ and the Public Ministry had concluded that there did not exist sufficient proof to sustain the accusation.

Qatar

Urgent appeals

586. On 28 April 1994 the Special Rapporteur transmitted to the Government an urgent appeal on behalf of Gavin Sherrard-Smith, a British national, who was sentenced to six months' imprisonment and 50 lashes allegedly for selling alcohol. The sentence had reportedly been upheld by the court of appeal

and fears were expressed that the flogging might be imminent. The Special Rapporteur advised the Government that he shared the views of other bodies in the United Nations system that corporal punishment was inconsistent with prohibition of torture and other cruel, inhuman or degrading treatment or punishment enshrined in various international instruments.

Republic of Korea

Information transmitted to the Government

587. By letter dated 29 March 1994 the Special Rapporteur advised the Government that he had received information according to which persons arrested for political reasons were often subjected to several forms of ill-treatment, including sleep deprivation, in order to extract "confessions". Under procedures in force, police or security officials often without an arrest warrant may take a suspect for "voluntary submission into police custody" and must obtain a court warrant within 48 hours for continued detention. This provision allegedly often was abused by police and other security agencies to detain suspects by force and hold them incommunicado for 48 hours' interrogation without informing their families and friends that they had been arrested. Detainees were allegedly subjected to the greatest abuse during the first hours of interrogation and confessions thus obtained were often used as grounds upon which to apply for an arrest warrant.

588. There is reportedly no legal requirement for prisoners to be brought promptly before a judge. Suspects held under the National Security Law may be interrogated for up to 50 days before they are charged, including up to 20 days by the arresting agency and a further 30 days by the prosecution. During this long period prisoners were sometimes allegedly subjected to prolonged and exhausting interrogation and denied immediate and regular access to their lawyers and families.

589. Prisoners who claimed to have been tortured or ill-treated were said rarely to make a formal complaint and in only a few cases had successful prosecutions been carried out. Prisoners who had been ill-treated during interrogation were sometimes afraid to make a statement to this effect in court for fear of antagonizing the tribunal and thereby incurring a heavier prison sentence. Furthermore, it was said to be extremely difficult for a prisoner to prove ill-treatment, particularly when the form of such treatment was sleep deprivation, which leaves no visible trace on the body. Finally, there was said to be no independent body to investigate complaints of human rights violations. The Public Prosecutor's Office, which has the authority to decide whether or not a prosecution would take place, often appeared not to act on complaints, dismissing them without further explanation on the grounds that they had been investigated and proved to be unfounded.

590. The Special Rapporteur also communicated to the Government the individual cases described in the following paragraphs.

591. Lee Kun-hee, a Democratic Party worker, was arrested without a warrant on 26 September 1992 by officials of the Agency for National Security Planning (ANSP). He was taken for questioning to the ANSP interrogation facility and was allegedly deprived of sleep for the first few days and repeatedly beaten.

His wife was also arrested on 14 October and held for 48 hours during which time she was allegedly hit and threatened with not being allowed to see her baby for a substantial period of time. On 15 January 1993 Lee Kun-hee was sentenced to three years' imprisonment under the National Security Law and the Military Secrets Protection Law.

592. Choi Chin-sop, a journalist working for the journal *Mal*, was arrested by officials of ANSP on 14 September 1992 and taken to the ANSP interrogation facility where for several days he was allegedly deprived of sleep. He was also said to have been beaten, stripped naked, forced to stand in the same position for long periods of time and forced to crawl with his hands behind his back and his head against the floor. On 24 February 1993 he was sentenced to three years' imprisonment under the National Security Law.

593. Son Pyong-son, a former politician, was arrested without a warrant on 26 September 1992 by officials of ANSP. At the ANSP interrogation facility he was reportedly beaten by teams of interrogators over a period of several days and forced to do repeated and strenuous physical exercises, such as squatting with his arms stretched out, standing on his head and standing on his hands. He was allegedly permitted only a few hours of sleep each day, was not permitted to see his lawyer until 5 October and was denied access to his family members until 17 October when he was transferred to a prison. In February 1993 he was sentenced to life imprisonment on charges of joining an "anti-State" organization and passing State secrets to the People's Democratic Republic of Korea and was being held in Chonju prison.

594. Park Seok-jin was arrested in July 1993 and sentenced to 1½ years' imprisonment for deserting after making a "declaration of conscience" expressing his objection to completing his compulsory military service as a riot policeman. On 19 January 1994 he was allegedly beaten, tied with rope and ankle chains and put into a small "punishment" cell for 48 hours at Yongdungpo prison. Although the rope and ankle chain were subsequently removed he was subjected to a one-month term of close confinement for having failed to stand to attention when the director of the prison entered his cell on 19 January 1994.

Follow-up to cases already transmitted to the Government

595. By the same letter, the Special Rapporteur informed the Government that he had received additional information regarding a number of cases previously transmitted to the Government which in some respects contradicted the replies provided by the latter.

596. On 22 July 1993 the Special Rapporteur sent an urgent appeal to the Government on behalf of Noh Tae-hun, arrested on 15 July 1993. On 5 August 1993 the Government replied by indicating the circumstances of the arrest and subsequent detention of Noh Tae-hun and mentioning the fact that he had not been restricted from meeting his attorneys or family members. Further information received from the sources referred to the fact that Noh Tae-hun had been deprived of sleep during lengthy interrogation sessions. During the first 48 hours of his detention he was allegedly allowed less than two hours' sleep.

597. Further information was also transmitted on the cases of Kim Sam-sok and Kim Un-ju, with regard to whom an urgent appeal had been addressed to the Government on 24 September 1993. In the reply provided on 22 October 1993 the Government stated that they had been treated humanely during interrogation and that no complaint had been filed by their family members or attorney with regard to their treatment in detention. According to the additional information received, Kim Sam-sok told his lawyer on 7 October 1993 that he had been stripped naked on several occasions and sexually assaulted by ANSP in order to force him to make a confession. On 20 September he attempted to commit suicide by hitting his head against a wall. On 21 September his wife was permitted to visit him and reported that his neck was in a cast, his head was swollen and his face was badly bruised and that he was unable to sit down because of a back injury. As for Kim Un-ju, she reportedly informed her lawyer that she had been deprived of sleep for several days after her arrest, was slapped and shaken, and was forced to do repeated physical exercises. She also reportedly stated that interrogators had threatened to strip her and abuse her sexually and that she made a confession which she later denied.

598. On 12 November 1992 the Special Rapporteur communicated to the Government information received about the allegations of torture inflicted upon Kim Nak-jung and Noh Jong-sun, arrested in August 1992 and taken to ANSP. On 15 July 1993 the Government replied that after their arrest they had been permitted to meet their lawyers and that the allegations of beatings and sleep deprivation were unfounded. However, further information received indicated that Kim Nak-jung was not allowed to see his lawyer for 13 days and was in fact held incommunicado during that period. On 15 September he was transferred to the Seoul detention centre where he mentioned to visitors, who could see a scar on his head and bruises on his arms, that he had been deprived of sleep and beaten all over his body by a group of ANSP agents using clubs. As for Noh Jong-sun, he reportedly stated during his trial in early 1993 that his statements to ANSP and the prosecutor had been coerced by means of humiliation and use of brutal force.

Urgent appeals

599. On 28 March 1994 the Special Rapporteur transmitted an urgent appeal on behalf of Hwang Seung-hyun, Lee Yoon-jung, Lee Sang-yeop, Jang Gee-bum, Kim Mee-Kyung, Lee Kwon-Seop, members and supporters of the singing troupe Heemangsae, who were arrested on 24 March by about 15 plainclothes police officers who produced no arrest warrant. They were taken to the Security Division of Seoul police headquarters. The arrest reportedly took place after the troupe members had participated in a peaceful rally to demand the release of five other Heemangsae members detained on 21 and 22 February, apparently suspected of planning to stage a musical based on a book which the authorities maintained praised the People's Democratic Republic of Korea.

600. On 20 May 1994 the Government replied that a warrant for the arrest of the six troupe members had been issued on 24 March 1994 and that they had been allowed to meet their attorney on the day of their arrest. On 25 March Lee Yoon-Jung and Lee Sang Yeop were held under the arrest warrants, but the other detainees were released. On 26 March, Lee Yoon-Jung's mother and

Kim Mee-Kyung's father filed complaints against the policemen involved in the arrest on grounds of illegal arrest and detention and an investigation was being carried out on the basis of those complaints.

601. The Special Rapporteur also transmitted an urgent appeal on 21 June 1994 on behalf of the following persons: Ahn Jae-ku, aged 61; Ahn Young-min; Ryu Nak-jin, aged 66; Kim Sung-hwan, a member of Korean Council of Youth Organizations (Hanchonghyop) in Pohang city; Kim Jin-bae; Jong Hwa-ryo; Jong Chang-soo; Hong Jong-hee and Park Rae-koon. These persons were among a group of at least 25 who were arrested on 14 June by ANSP and the police for alleged activities in support of the People's Democratic Republic of Korea. According to ANSP, some of the prisoners, including Ahn Jab-ku, were accused of forming an underground branch of the Workers' Party of Korea (WPK) and were said to have established in January 1993 a group called the National Front for Salvation of the Fatherland. Some of the other prisoners were accused of forming a group called the Korean Democratic Nationalistic Front. Those groups were said to support the People's Democratic Republic of Korea. The prisoners were reportedly being held for interrogation under the National Security Law.

602. On 1 July 1994 the Government replied that the above-named individuals had been duly arrested pursuant to Korea's National Security Law and in full conformity with Korea's legal procedures and their rights under Korean law.

Romania

Information transmitted to the Government and replies received

603. By letter dated 28 April 1994 the Special Rapporteur transmitted to the Government information he had received in the cases described in the following paragraphs. On 4 August 1994 the Government sent replies with respect to the allegations, summaries of which follow their corresponding descriptions.

604. Andrei Tanase Zanopol was arrested without a warrant on 27 June 1993 near his home in Mazepa, Galati, by two police officers. He was allegedly tied with wire to an iron bar at the entrance to a building and beaten severely by the two officers in front of witnesses. He was then taken to the police station where the beating reportedly continued. On 1 July his lawyer reported that Mr. Zanopol's testicles were swollen, one arm appeared to be in a cast and there were bruises all over his body and on his face. It was also reported that Mr. Zanopol had received medical treatment from a doctor who refused to give him a certificate describing his injuries.

605. The Government replied that Camelia Zanopol had filed a complaint in 1993 to the Iaşi military prosecutor's office, which found that Andrei Zanopol had not been beaten by the police and ordered no penal proceedings against the officers. The military prosecution section of the General Prosecutor's Office, however, re-examined the case on 14 April 1994 and determined that the previous decision was illegal and without grounds and ordered that criminal proceedings be undertaken against the officers and that all the relevant evidence be produced.

606. Costel Covalciuc, from Dorohoi, was arrested on 29 June 1993 at his home by two police officers. The following day, after a summary court hearing, he was sentenced to three months' imprisonment. On 4 July 1993 his family was informed that he had died that morning. Several members of the family reportedly went to the morgue and observed the body with blood-smeared hands and many bruises on the body, throat and temples. An autopsy was conducted and Covalciuc's father was given a form completed by the coroner which stated that the death had been "non-violent" and that it had been caused by an acute cardio-vascular insufficiency. The military prosecutor of Iaşi who investigated the death concluded that the victim was not subjected to ill-treatment in detention and that external lesions could have resulted from "compression".

607. The Government replied that on 4 July, Costel Covalciuc had complained of severe chest pains and a doctor from Dorohoi hospital and inmates had attempted a heart massage. The doctor ordered him transferred to hospital, but he was pronounced dead on arrival. Because the cause of death was pronounced non-violent, the Iaşi military prosecutor's office ordered that no criminal charges were to be brought in the case. However, reviewing the evidence, the military prosecution section of the General Prosecutor's Office on 14 April 1994 ordered a complete investigation and the re-examination of the forensic report by the Superior Forensic Commission of the Central Forensic Institute. Further measures would be taken upon receipt of the results of the re-examination.

608. Viorel Baciu was arrested on 24 October 1988 and subsequently sentenced to several years' imprisonment on what were alleged to be false charges brought because of his father's activities as a member of the Jehovah's Witnesses. Considering that the charges were groundless and essentially illegal, the General Prosecutor on 8 January filed an extraordinary appeal and suspended further execution of the prison sentence, but the appeal was rejected and Viorel Baciu was reimprisoned on 8 February 1993. Following his arrest he was taken to the police station in Suceava and allegedly subjected to torture in order to force him to confess to the crimes with which he was charged. In the course of the torture he was beaten while suspended by the legs and on the soles of the feet. From 6 to 12 December 1988 he had to be treated in the Jilava prison hospital, reportedly for coughing and spitting blood and other injuries sustained during the investigation. In the presence of the investigating prosecutor, as well as during the trial, he retracted his confession, which was nevertheless taken into consideration by the Supreme Court.

609. The Government replied that Viorel Baciu had made a complaint against a lieutenant colonel and other police officers but that the Iaşi military prosecutor's office had ordered that no criminal charges be brought.
On 28 April 1994 the military prosecution section of the General Prosecutor's Office annulled the decision, finding it illegal and ungrounded, and ordered that charges be brought and the evidence produced. The case was pending.

Information received from the Government on cases included in previous reports

610. On 9 August 1994 the Government sent replies in regard to four individual cases transmitted by the Special Rapporteur in a letter dated 26 August 1993. The replies are summarized in the following paragraphs.

611. In the case of Stefan Tasnadi, an ethnic Hungarian who was allegedly severely beaten with truncheons and fists by police on 25 August 1992 in Gherlu, Cluj county, the Cluj military prosecutor's office started an investigation into charges of abusive behaviour by two police officers. The testimony given during the investigation and the results of the forensic examination did not lead to the conclusion that Stefan Tasnadi had been beaten. Mr. Tasnadi had not informed the military prosecutor's office about the incident until 21 June 1993 and has since withdrawn the complaint.

612. As to the case of Mihai Poteras, who was allegedly beaten for five days in the police station in Pascani, two police officers, Cuceac Gheorghe and Nistor Valeriu, were ordered committed for trial by the Bacău military prosecutor's office on the charge of abusive inquiry under the Romanian Penal Code. It was established that during 5 and 6 February 1993 the officers severely beat Posteraş Mihai for the purpose of compelling him to admit to the crime of robbery, thus causing him bodily injuries which required 16 days of medical assistance.

613. According to the allegations transmitted by the Special Rapporteur, Doru Marian Beldie had been beaten with truncheons on the palms of the hands and soles of the feet for several hours at the 17th district police station in Bucharest. The Government replied that an investigation by the Bucharest military prosecutor's office concluded that there was no violence exerted against Doru Marian Beldie. He was convicted of "sexual relations between persons of the same sex" with the aggravating circumstances of committing the offence against a minor and sentenced to 4½ years' imprisonment.

614. Finally, in the case of Marcel Brosca, who was allegedly severely beaten by police in Teduci, the Iaşi military prosecutor's office concluded that no violence had been exerted against him. He was convicted of robbery and homosexual activity and sentenced to five years' imprisonment.

Saudi Arabia

Information transmitted to the Government

615. By letter dated 3 June 1994 the Special Rapporteur advised the Government that he had received information concerning the alleged torture and ill-treatment of Iraqi refugees held since 1991 in the camps of Artawiyya, which was closed in December 1992, and Rafha. According to the reports, the refugees had been tortured or ill-treated for a wide variety of perceived misconduct, including criticizing the camps' authorities, protesting living conditions and being "disobedient", or in order to extract "confessions". Forms of torture allegedly included systematic beatings all over the body, enforced standing for prolonged periods of time, the administration of electric shocks and dowsing with cold water while naked. Some persons were also allegedly subjected to hanging by the wrists from the ceiling or a high

window (ta'liq), beatings on the soles of the feet (falaqa) and sleep deprivation for prolonged periods. Various forms of collective punishment, such as food and water deprivation, were also reportedly used against the refugees, particularly in response to protests about living conditions and treatment by the camp authorities.

616. In August 1991 and July 1992 groups of refugees reportedly went on hunger strikes in Artawiyya camp demanding improvements in their living conditions and their resettlement in a third country. Many of those involved in these protests were later allegedly subjected to torture or ill-treatment, as in the cases summarized in the paragraphs below.

617. Ya'rub Hassan Suri al-Khaffaji, the representative of block 11, compound 3 in Artawiyya camp, was on 13 September 1991 arrested with four other refugees following their participation in the first hunger strike in August 1991. They were taken to the "Emergency Unit" under accusation of sedition and inciting the refugees to strike. The soldiers reportedly forced him to take off his clothes and to lie on top of the bonnet of a car, the engine of which had been running for a period of time. The soldiers then allegedly rolled him across the bonnet, tied him to the side of the car, and beat him with clubs and lashes. After a doctor determined that his injuries were too severe to be treated at the camp clinic, he was transferred to the Hafr al-Baten military hospital and later to Riyadh military hospital. Both his kidneys were permanently damaged. In January 1992 Ya'rub al-Khaffaji was reportedly given financial compensation following an investigation by the military authorities. However, no independent judicial inquiry into the case was carried out and none of the perpetrators was known to have been brought to justice.

618. As'ad 'Ali Hussein was arrested and taken to the "Emergency Unit" where he was stripped down to his underpants and handcuffed. He was then allegedly beaten with cables on his hands for about half an hour until his skin started peeling off, hit on the back with an iron bar and kicked. Thereafter he was tied to the back of a truck while naked and dragged along for three to five minutes, resulting in the dislocation of his left arm.

619. Zahir Rizqi Saber was also punished as a result of his involvement in the hunger strike of 1991. He was allegedly stripped down to his underpants and tied to a wire fence between one and two hours, during which time he was beaten. The soldiers then cut his hair, mixed it with sand and water and forced him to eat it.

620. Muhammad Khudhayr Mubarak Tu'ma was accused of sedition in the aftermath of the above-mentioned hunger strike. He was allegedly taken outside "the Emergency Unit", stripped of his clothes, beaten severely, forced to crawl on his stomach with his hands tied behind his back and simultaneously lashed with cables for over two hours. As a result, he was allegedly no longer able to move and was dragged back into a tent by the guards. He died a few hours later.

621. Bassam Yusuf Ibrahim al-Shamiri joined the second hunger strike in July 1992 in Artawiyya. A few days after he began the strike he fell ill and

was taken to the clinic. While he was still recovering an officer reportedly came to his room, accused him of seditious acts and hit him repeatedly on the back of the head with a club.

622. The Special Rapporteur also transmitted information in the cases described in the paragraphs below.

623. 'Ali Muhsin Abu-Zahra was arrested in March 1992 at his living quarters in block 6, compound 3 of the Artawiyya camp, on charges of writing and producing a play criticizing the administration of the camp. He was allegedly taken to the "Emergency Unit" where he was stripped naked, threatened with rape, subjected to falaqa, beaten and jolted by an electrified rod. He was released in April 1992 after spending one month in incommunicado detention.

624. Dhia'Shabeeb was reportedly arrested in Artawiyya camp for having disobeyed an order issued by the camp authorities. He was allegedly taken outdoors and tied to a pole which had a bright lamp fixed at the top, attracting a large number of mosquitoes and other desert insects at night. When he was returned to his block the next day his body was bruised and severely swollen.

625. Hussein al-Jizani was in compound 5 in Rafha camp on the night of 18 April 1993 when he reportedly fell ill and went out to seek medical help. He was spotted by an army patrol, stopped for breaching the night curfew, and repeatedly and violently beaten by the soldiers in the presence of 15 witnesses, as a result of which he died that night. It was also reported that the witnesses were ill-treated to force them to sign a statement to the effect that Husseil al-Jizani had died of a heart attack.

626. The Special Rapporteur also informed the Government that he had received reports indicating that the punishment of flogging was widely used in the camp and was imposed by a Shari'a court judge for a wide range of offences, including sexual acts between unmarried heterosexual couples and the consumption of alcohol. Persons were allegedly brought before the judge in the absence of any defence counsel and often convicted solely on the basis of a "confession" signed under duress. Thus on 23 July 1992 four refugees from Diwaniyya were arrested in Rafha on charges relating to the consumption of alcohol. 'Abbas 'Ali Mahawi, charged and convicted of being in the company of men drinking alcohol, was sentenced to 73 days' imprisonment and 80 lashes. 'Ali Sabah Ward, charged and convicted of brewing alcohol, was sentenced to two years' imprisonment and 400 lashes. Muhammad Masayri' Hassan, charged and convicted of alcohol consumption, was sentenced to six months' imprisonment and 300 lashes. Hadi Nasser Hussein, charged and convicted of drinking and selling alcohol, was sentenced to 300 lashes. They were all said to have been administered the full number of lashes to which they had been sentenced.

Urgent appeals

627. On 11 October 1994 the Special Rapporteur transmitted to the Government an urgent appeal concerning Dr. Mohamed Kamel Mohamed Khalifa, an Egyptian physician detained in El Brida prison in El Qasim, who reportedly was sentenced to flogging after being convicted of telling lies. He was said to have been so charged because he filed a complaint against the principal of

Saoud El Kabir school in El Bakeereya, El Qasim, charging him with sexually abusing his son. Dr. Khalifa was reportedly sentenced to receive 80 lashes in front of the school when pupils were leaving as well as another 120 lashes - 60 lashes twice after Friday prayers over a period of two weeks in El Bakeereya. The Special Rapporteur informed the Government that he shared the views of other bodies within the United Nations system that corporal punishment was inconsistent with the prohibition of torture and other cruel, inhuman or degrading treatment or punishment as enshrined in various international instruments.

Observations

628. In the absence of information from the Government, the Special Rapporteur is disposed to consider that the allegations of torture and cruel and inhuman treatment and punishment of Iraqi refugees described above may be well founded.

Senegal

Urgent appeals sent and replies received

629. The Special Rapporteur sent an urgent appeal to the Government on 3 March 1994 on behalf of Lamine Samb, a teacher, who was arrested at his home on 17 February 1994 after taking part in a demonstration the previous day. He was taken to the Criminal Investigation Department in Dakar and, although in good health at the time of his arrest, he was two days later taken in a coma to the main hospital in Dakar, where he died shortly afterwards. Fears were expressed concerning the torture or ill-treatment to which he might have been subjected and which might have caused his death. According to the information received, some 40 other persons were also arrested following that demonstration. Fears were likewise expressed about the treatment to which they might be subjected during their detention.

630. On 8 July 1994 the Government replied that Lamine Samb had been taken from custody to the main Dakar hospital on 19 February because he was vomiting and suffering from vertigo. An autopsy revealed a heart attack to be the cause of his death. Neither he nor any of the other arrested demonstrators was subjected to ill-treatment in detention.

Information received from the Government on cases included in previous reports

631. On 26 August 1993 the Special Rapporteur transmitted information on the case of Mody Sy, a parliamentarian who was reportedly detained in Dakar in May 1993 and tortured, including by electric shocks to his fingers and genitals, to make him confess to the murder of the Vice-President of the Constitutional Council. The Special Rapporteur also communicated the case of Ramata Guèye, arrested on 14 July 1993 in connection with the same investigation as Mr. Sy and allegedly tortured at Thiès police station.

632. By letter dated 20 January 1994 the Government replied that at the end of his police custody, Mody Sy was examined at his request by a doctor, whose official report made no mention of ill-treatment. After his first appearance before the examining magistrate on 27 May 1993, he was re-examined at the

request of his counsel and in his official report the appointed doctor described Mr. Sy as being in good general health but noted the presence of "scars of grazes on the anterior sides of the forearms and legs" and referred to abdominal pains accompanied by hiccups for which he had already examined him twice since the commencement of his detention. When the abdominal symptoms recurred on 1 June 1993, Mody Sy was prescribed treatment and had a fibroscopy on 21 June 1993 and an X-ray of his lower back region on 14 July, the results being satisfactory. After an examining magistrate on 22 July 1993 ordered Mr. Sy to undergo a full examination, the doctor informed the magistrate that Mr. Sy had refused to undergo such an examination. In the case of Miss Ramata Guèye, a certificate supporting her allegations had not yet been produced before any authority. The procurator general to the court of appeal did not receive a complaint by Mr. Mody Sy's lawyers until 30 July 1993. This complaint gave rise to an immediate inquiry, whose findings were reflected in a report of 4 August 1993 of the Deputy Senior Commander of the National Gendarmerie, Under-Director of Military Justice. All of the police officers participating in the investigation of the assassination were questioned, including those who had been charged by Mr. Sy and Miss Guèye, with the exception of a certain senior sergeant who was unknown in the Western Legion of the Dakar gendarmerie. The inquiry produced no result, apart from charges by some and denials by others, and a search of the entire premises of the Thiong gendarmerie had proved fruitless.

South Africa

Urgent appeals

633. The Special Rapporteur sent five urgent appeals to the Government on behalf of the people mentioned below. The dates on which the appeals were transmitted appear in parenthesis at the end of the corresponding summaries.

634. Johannes Setlae, an African National Congress (ANC) committee member in Mogogoe village, near Mafikeng, was detained on 12 January 1994 after police broke up a voter education meeting of about 100 people organized by members of the local ANC youth league. The local President of the youth league, Ofentse Kogotsitse, Johannes Setlae, and two other organizers of the meeting, at Ofentse's home near the meeting place, were ordered to "disperse" but Ofentse argued that he was, in fact, at his home. The police then reportedly attempted to assault the four men. When Ofentse's mother tried to intervene, one policeman allegedly hit her and she fell down, so prompting Johannes Setlae to throw an empty bottle at the police which struck one of the officers. The police reportedly then assaulted Johannes Setlae with blows from fists and open hands, booted feet, and sjamboks (whips), and arrested him. He was believed to be held incommunicado at Mmabatho police station and fears were expressed that he would be denied proper medical care for his injuries and be further subjected to ill-treatment.

635. Information was also received with regard to the following persons arrested: Theo Mabusela, Chairperson of the Pan Africanist Congress of Azania (PAC), Western Cape Region; Michael Siyolo, PAC organizer, Western Cape Region; Mncebesi Leonard Naso; Zola Prince Mabala; Richard Dala, PAC Executive member, Western Cape Region; Konzaphi and Rhanugu. According to the reports, Michael Siyolo and Theo Mabusela were arrested in Cape Town on 3 January 1994

in connection with the police investigation into the murder of four people and wounding of seven others by gunmen who had attacked a tavern on 30 December 1993. The other detainees were arrested between 4 and 7 January, including Mncebisi Leonard Naso and Zola Prince Mabala, whom police arrested in the Eastern Cape near the Transkei border. It was reported that all of the detainees were being held incommunicado, apparently at different police stations in the Cape Town area, under section 29 of the Internal Security Act under which the police could detain a person incommunicado for interrogation purposes for 10-day periods renewable by the agreement of a Supreme Court judge (20 January 1994).

636. Disturbances broke out at Pollsmoor prison on 18 March 1994 following an announcement by the Transitional Executive Council that certain categories of prisoners would not be allowed to vote. Some prisoners reportedly barricaded themselves into their cells and set fire to bedding and the prison staff fired tear-gas into locked cells and assaulted prisoners with batons. Injuries inflicted on prisoners were said to include open wounds and broken ribs, as in the case of Ebrahim October, who was allegedly assaulted and suffered head injuries. No independent medical access to the prisoners was permitted and relatives feared that those injured were being denied adequate medical care. At Boksburg prison on the East Rand, more than 60 prisoners were reportedly injured on 18 March after officers of the Internal Stability Unit (ISU) of the South African Police assisted prison staff in securing the release of two prison warders taken hostage by prisoners. After the warders had been released unharmed, members of the ISU reportedly lined up prisoners and beat them with batons (25 March 1994).

637. Michael Mathe was arrested on 9 January 1994 in the East Rand township of Katlehong by officers of the ISU, after senior ANC and South African Communist Party officials and journalists visiting Katlehong were fired upon by gunmen from a nearby migrant worker's hostel. After the attack, officers of the ISU shot dead one ANC member, and injured another youth whom they arrested together with Michael Mathe, who was a member of a local self-defence unit. On the night of 9 January, when police officers returned with Michael Mathe to search his home, a witness reportedly observed that he was unrecognizable because his face had been so severely beaten. Between 9 and 11 January he was taken to Nyoni Farm police base, the headquarters of the SAP Political and Violent Crime Unit, where he was allegedly assaulted repeatedly under interrogation by police officers who also threatened to use a police dog to attack him. He later told his lawyer that, under this duress, he signed statements which were repeatedly rewritten by his interrogators. According to the information received, he appeared to be seriously affected by the torture and those visiting him recently have expressed concern about his deteriorating mental state (29 March 1994).

638. The following persons from a rural area near Eshowe were reportedly arrested by police on 9 April 1994 and held under state of emergency regulations imposed in Natal province on 31 March 1994: Ollie Shange, Khumbuza Shange, Goodwill Shange, Bhekinkosi Shange, Mpusophe Shange, Bazakuyena Shange, Phendu Shange and Bhekuwiye Thene. They were said to be held at the Eshowe prison. The following persons were reportedly being held in a communal cell at Empangeni prison: Sibusiso Cele, Thokozani Ndlovu, William Sithole, Siyabonga Nthuli, Zwelakhe Mntambo, Efraim Mntambo,

Patrick Cele, Torch Gumede, Desmond Mkhize, Sabelo Cele, Bhekuwakhe Vilakazi, Mbuso Bulunga, Thulani Mkhize, Thembinkosi Ngema, Dumisani Msibi, Xolani Thembe, Panama Ngema, Khulekani Zulu, Khumbulani Ngema. Sibusiso Cele and Thokozani Ndlovu, from Dlangezwa, Empageni, were arrested and allegedly assaulted at their homes on 11 April by officers of the ISU. William Sithole, who was arrested at his home in the Empangeni area on 10 April, was held in an ISU police vehicle for approximately 24 hours before the police reported his arrest to a police station. While inside the vehicle he was allegedly subjected to torture by having a rubber tube pulled tightly across his face as if to suffocate him, was choked, and was given electric shocks while being interrogated about the whereabouts of weapons. The 16 others, high school students aged between 16 and 20 years old, from the Matubatuba area, were arrested on 12 April during house-to-house searches and were allegedly handled roughly during their arrest. Andiras Gcaba was arrested in Port Shepstone on 19 April when police intercepted a taxi he was taking to Durban (28 April 1994).

639. Zola Mkululi Prince Mabala, the subject of the 20 January urgent appeal, and Brian Vuyisile Madasi were arrested on 4 January 1994 in Elliot, in the Eastern Cape, and held incommunicado under section 29 of the Internal Security Act until 3 February. Brian Madasi alleged in the course of a court appearance on 3 February that after his arrest the police had assaulted him at Aliwal North police station by stabbing his penis with a long pin, that at Bellville South police station in Cape Town he was subjected to electric shocks on his fingers, and that at the offices of the Crime Intelligence Service in Loop street he was assaulted with the butt of a gun. Zola Mabala alleged that he had been hit with batons at Elliot police station and subjected to electric shocks at Bellville South police station (25 May 1994).

Spain

Information transmitted to the Government and replies received

640. By letter dated 4 July 1994 the Special Rapporteur informed the Government that he had received information on the cases of torture summarized in the following paragraphs. The Government responded to them on 27 October 1994.

641. Maite Elizegi Mitxelena was arrested on 24 September 1993 at her home in Oyarzún Guipúzcoa, by members of the Civil Guard. During interrogation at the Tres Cantos command post in Madrid she was allegedly forced to remain in one position for a prolonged period and had a plastic bag placed over her face. She was released on 26 September 1993 without charge.

642. Axier Goñi Arsuaga was arrested on 23 September 1993 at his home in Urnieta, Guipúzcoa by members of the Civil Guard who took him initially to the Antiguo, Donostia barracks and subsequently to the Tres Cantos command post and the headquarters of the Civil Guard (DGGC) in Madrid. During his detention, he was allegedly beaten severely on the head, stomach, back and testicles. He was also forced to do press-ups to the point of exhaustion, and had a plastic bag placed over his face. On 25 September 1993, he was released without charge.

643. Mikel Iturbe Iturzaeta was arrested on 24 September 1993 in a bar at Hernani, Guipúzcoa by members of the Civil Guard. He was reportedly first taken to the Antiguo barracks and subsequently transferred to the Tres Cantos command post. During his detention he allegedly received numerous heavy blows to the head and the ribs and had a plastic bag placed over his face. He was released without charge on 26 September 1993 and subsequently filed a complaint with the court alleging torture.

644. Manuel Arozena was arrested on 24 September 1993 at his home at Hernani by Civil Guards who first took him to the Antiguo barracks and subsequently transferred him to the Tres Cantos command post. During his detention, he allegedly received numerous blows to the head, was forced to remain in an unnatural position and to do press-ups, and had a plastic bag placed over his face. He was released without charge on 26 September 1993 and subsequently lodged a judicial complaint alleging torture.

645. Gorka López Canseco was arrested on 15 June 1993 at his home in Toloso, Guipúzcoa. Following his transfer to the Civil Guard barracks at Antiguo, he was reportedly subjected to constant threats against himself and his family, beaten about the head and burned on the back, probably with a cigarette. He was also forced to remain with his legs on the ground and his hands resting on the bed for one hour, while one civil guard sat on top of him and another beat him. Some hours later he was released without charge and he subsequently filed a judicial complaint.

646. José Lasarte Garmendia was arrested on 27 October 1993 at his home in Hernani by members of the Civil Guard. He was first taken to the Antiguo barracks and subsequently transferred to the DGGC in Madrid. During his detention, he was reportedly subjected to electric shocks and had a plastic bag placed over his face. He had to be transferred to the Gómez Ulla military hospital due to acute precordial pain. He was released without charge on 30 October 1993 and he subsequently applied for a judicial remedy.

647. José Luis Zabala Amondarain was arrested on 28 October 1993 at his home in Ibarra, Guipúzcoa, by members of the Civil Guard. He was initially taken to the Antiguo barracks and subsequently transferred to the DGGC. During interrogation, he reportedly received blows to the head, had a plastic bag placed over his face and was forced to remain in one position for a prolonged period. He was released without charge on 30 October 1993.

648. Bittor Etxeberria was arrested on 28 October 1993 at his home in Ibarra by members of the Civil Guard, and initially taken to the Antiguo barracks and subsequently transferred to the DGGC. While in detention he was allegedly beaten, had a plastic bag placed over his face and was threatened with death. On 30 October 1993, he was released without charge.

649. Ibán Ortiz Digón was arrested on 28 October 1993 at his home in Tolosa, Guipúzcoa, by members of the Civil Guard. He was first taken to the Antiguo barracks and subsequently transferred to the DGGC. While in detention, he allegedly received blows to the head and back of the neck, administered with a ruler and a telephone book, and had a plastic bag placed over his face and was threatneed with death. On 30 October 1993, he was released without charge.

650. Aitor Mendizábal Arburua was arrested on 28 October 1993 at his home in Ibarra by members of the Civil Guard and was initially taken to the Antiguo barracks and subsequently transferred to the DGGC. While in detention, he reportedly suffered blows to the head, neck and stomach administered with newspapers and with bare hands. He also had a plastic bag placed over his face, was forced to stand for a prolonged period, and was subjected to a mock execution. On 30 October 1993, he was released without charge.

651. Oscar Otxoa Ansorena was arrested on 28 October 1993 at his home in Tolosa by members of the Civil Guard who initially took him to the Antiguo barracks and subsequently to the DGGC. While in detention, he allegedly suffered blows to the head and had a plastic bag placed over his face and was threatened with death. He was released without charge on 30 October 1993.

652. Jon Aguirre Garate was arrested on 28 October 1993 at his home in Ibarra by members of the Civil Guard. He was initially taken to the Antiguo barracks and subsequently transferred to the DGGC. While in detention, he allegedly suffered blows to the head and had a plastic bag placed over his face. He was released without charge on 30 October 1993, after having made a statement which allegedly had been dictated to him by police officers.

653. Iñaki Agirrezabala Aristi was arrested on 28 October 1993 at his home in Ibarra by members of the Civil Guard. He was first taken to the Antiguo barracks and subsequently transferred to the DGGC. While in detention, he reportedly suffered blows to the back of the neck and the stomach and had a plastic bag placed over his face. He was also allegedly forced to do about 600 press-ups with a plastic bag placed over his head. He was released without charge on 31 October 1993 and subsequently lodged a judicial complaint.

654. Maria Josefa Lizarribar Urrillum was arrested on 20 September 1993 at her home in Orereta, Guipúzcoa, by members of the Civil Guard. She was initially taken to the Antiguo barracks and subsequently transferred to the Tres Cantos command post in Madrid. She was allegedly beaten and subjected to electric shocks to the neck, as well as to a plastic bag placed over her face, sexual harassment and threats. Her hospitalization was ordered by the judge in the National High Court before whom she made a statement.

655. José Julián Irastorza Goitia was arrested on 21 September 1993 at his home in Uruieta Guipúzcoa. He was first taken to the Antiguo barracks and subsequently transferred to the Tres Cantos command post. On 24 September 1993 he was reportedly released without charge. On 29 September 1993 he filed a judicial complaint alleging that he had been struck on the back of the neck and the forehead, had been obliged to remain in the same position for a prolonged period and had received threats. He also claimed that he had a plastic bag placed over his face.

656. With regard to these 15 cases, the Government replied that the allegations of ill-treatment were false. All the arrests were communicated to the judicial authorities and the detainees were all examined by physicians assigned to the Audiencia Nacional who did not find evidence of ill-treatment.

No complaints were filed with the judicial authorities except in the case of José Lasarte Garmendia; this was being investigated by judge number 5 of San Sebastián.

657. Juan Carlos Ruiz de Viñaspre was arrested on 26 April 1993 at his home in Gasteiz. During 31 hours of interrogation at Gasteiz National Police station, he was reportedly punched and slapped on the head, stomach, testicles, ears and neck. He was also allegedly forced to do press-ups to the point of exhaustion and was subjected to threats, including by having a gun put to his throat and his head. Following his release without charge, he lodged a judicial complaint. The Government replied that Mr. Ruiz was arrested on 26 April 1993 at 00.05 hours. At 21.15 hours he was visited by the forensic physician and the judge. On 27 April 1994 at 04.10 hours he was subjected to interrogation for the first time and in the presence of a lawyer and at 05.00 he was released. He was never subjected to ill-treatment.

658. Francisco Barandalla Iriarte was arrested on 16 May 1993 at Etxarri-Aranatz (Navarra). At the Civil Guard barracks at Altsasu, he was allegedly struck on the back with a hard object, as a result of which he had to be treated at a health centre. The corresponding medical report noted the presence of "extensive bruising in the dorsal area". He was released without charge on 18 May and he filed a judicial complaint on 25 May 1993.

659. With respect to this case, the Government replied that the allegations of ill-treatment were false and that Mr. Barandalla never filed a complaint with the judicial authorities. At the moment of his arrest he resisted and the Civil Guards had to use force. On the other hand, it is not true that he was released without charges; in fact, he was subsequently sentenced to 12 months' imprisonment.

660. Euken Garmendia Martínez was arrested on 23 September 1993 at his home in Urnieta by members of the Civil Guard who reportedly took him first to the Antiguo barracks and subsequently to the Tres Cantos command post. He allegedly received blows to the testicles, head, neck and back, was obliged to do press-ups and had a plastic bag placed over his face. He was released without charge on 26 September 1993 and subsequently lodged a judicial complaint alleging torture.

661. Pablo Aperribay Bediaga was arrested on 17 July 1993 in Basauri, Viscaya, by members of the Ertzainta autonomous police force. He reportedly received a beating at the Galdakano police station, as a result of which he had to be transferred to the hospital where he was given a surgical collar. The following day, he was released without charge and he subsequently lodged a judicial complaint alleging torture.

662. With respect to this case, the Government sent a number of documents referring to the circumstances in which Mr. Aperribay was arrested. According to them, he resisted and caused injuries to a member of the police. It was therefore necessary to use force, as a result of which he was injured in both arms and the left leg. He was subsequently taken to a clinic.

663. Ismael Berasategui was arrested on 4 September 1993 at a road block set up by the Civil Guard at Alto de Arlabán, Alava, and was subsequently

transferred to the Sasomendi barracks. A hood was reportedly placed over his head and he was forced to do press-ups for a period of 11 hours while being beaten with bare hands and with a sheaf of papers. He also allegedly received death threats. He was released the following day without charge and he lodged a judicial complaint on 8 September 1993.

664. With respect to this case the Government informed that Mr. Berasategui remained in detention from 8.30 p.m. to 6.20 a.m. and that from 4.30 he was interrogated in the presence of his lawyer. The allegation that he was ill-treated for 11 hours is therefore false. Moreover, he never made a complaint before a judicial authority.

665. Juan Calvo Azabal was arrested on 19 August 1993 at Nanclares de Oca, Alava, by members of the Ertzaintza police, who accused him of having stolen a vehicle at the Arkante base in Alava. According to the forensic report, his death was caused by asphyxiation triggered by the self-defence sprays used by the police. In addition, numerous wounds were reportedly discovered on the body.

666. With respect to this case, the Government sent copies of a number of documents referring to the investigation carried out by the Public Ministry and the judge into Mr. Calvo's death. According to them, the police had to use the above-mentioned spray when they were attacked by the detainee who was trying to run away. At the same time he was severely beaten. Judicial procedings were initiated against eight policemen accused of being responsible for the death.

Follow-up to cases included in previous reports

667. In his letter of 4 July 1994 the Special Rapporteur reminded the Government of a number of cases transmitted in 1993 with respect to which investigations were pending. The Government referred to them in its letter of 27 October 1994. Regarding Eduardo Basabe Larrinaga and Germán Cristóbal Aznar, the Government indicated that on 25 February 1994 the cases had been provisionally filed for lack of evidence. With respect to the case of Arnaldo Otegui Mondragón, the Government stated that those accused had been acquitted. In the cases of Kepa Urra Goridi and Koldo Arrese Garate, the Government replied that the trial had not yet concluded.

Sri Lanka

Information transmitted to the Government and replies received

668. By letter dated 5 August 1994 the Special Rapporteur informed the Government that he had received reports alleging that armed men from the army or other military forces, dressed either in military uniform or civilian clothes, had on numerous occasions arrested ethnic Tamils and held them in secret places of detention for a week or longer. One such location was alleged to be an army camp located off Galle Road, Kollupitiya, Colombo, behind the Indian High Commission and the American Information Centre. The detainees were said often to be interrogated under torture, the purpose of which was to make them confess to involvement with the Liberation Tigers of Tamil Eelam (LTTE). Similar arrests were said to have been carried out by a

special operational unit under the Director of Military Intelligence which reported to the army commander and which had links with the National Intelligence Bureau (NIB). This unit was reported to be using a private house near a railway line at Vanawasala, near Ragama, north of Colombo.

669. The secret detentions were said to be carried out in contravention of Emergency Regulation (ER) 19(8), which makes it a criminal offence to detain a person in an unauthorized place of detention. The Secretary of Defence had recently published in Gazette No. 343 authorized places of detention. In addition, under ER 18(1), the army is required to hand over a suspect in the south of the country to the nearest police station within 24 hours of arrest. ER 18 also requires authorities to report arrests "forthwith" to the Human Rights Task Force (HRTF), a body entrusted to monitor the observance of fundamental rights of detainees.

670. On 2 November 1994 the Government responded by denying that there were secret locations at which detainees were held by military intelligence or the NIB.

671. The Special Rapporteur transmitted to the Government the case of Arulappu Jude Arulajah, who was reportedly arrested on 2 October 1993 in Bambalapitiya by armed men in civilian dress and was blindfolded, handcuffed, and driven to the army camp off Galle Road referred to above. At the camp he was allegedly kicked and beaten with fists, wooden clubs and pipes used in construction work. He was also allegedly stripped naked while his hands were attached to chains on his legs, a wooden pole was suspended between two tables and he was hung with the backs of his knees over the pole. In this position his genitalia were cut, possibly with a hacksaw. During his detention at this locale he was allegedly kept blindfolded with his hands and feet chained in a darkened room, usually naked. On 10 December he was transferred to Panagoda Army Camp, which reportedly did not appear on the list of authorized places of detention in the June 1993 gazette. On 15 December 1993 he was transferred to the Criminal Investigation Department (CID) of Colombo police headquarters. The court of appeal was said to have ordered a medical examination pursuant to a habeas corpus petition, the result of which was unknown.

672. The Government replied that Arulappu Jude Arulajah had been examined by a physician, on order of the court of appeal and that the medical report did not reveal an injury, old or new, in the region of his genitals. The habeas corpus application was withdrawn on 16 March 1994, as by then he had been released. The Panagoda army camp was in fact an authorized place of detention under the Emergency Regulations, having been so ordered on 1 October 1993 and published in the Gazette Extraordinary No. 806/6 of 15 February 1994.

673. The Special Rapporteur also advised the Government that he had received reports indicating that ill-treatment and torture were used against Tamil detainees at police stations in order to get persons to confess to involvement with the LTTE. The reports described incidents of beatings at police stations of prisoners in their cells, inflicted randomly or for alleged minor infractions of the rules.

674. In one case, Somasunderam Sivaganesh was arrested on 15 October and later remanded to Colombo remand prison. On 5 January 1994, after a habeas corpus

application had been made, he was reportedly taken to Crime Detection Bureau (CDB) headquarters. An assistant superintendent, together with a Tamil interpreter, prepared a statement containing admissions of LTTE involvement and told Mr. Sivaganesh that he would be released if he signed the statement. After he refused to sign, he was taken to another room, where he was allegedly punched in the ears, back and arms, and beaten with a wooden stick. He reportedly signed the statement following the abuse. He was said to suffer from hearing problems and abdominal pain as a result of the beatings. He was being held in Colombo remand prison. The court of appeal ordered the Attorney General to make a report on the case by 8 March 1994.

675. According to the Government, Somasunderam Sivaganesh made no complaint of assault to the magistrate when he was produced in the magistrate's court of Colombo on 7 January 1994, nor did he make such a complaint to the High Court Judge upon pleading guilty.

Information provided by the Government in connection with allegations included in previous reports

676. On 23 December 1993 the Government transmitted information of a general nature regarding torture in the country. The Government noted that in its efforts to curb the activities of terrorist organizations, there had arisen allegations of excesses on the part of the security forces leading to the violation of human rights. Such excesses were not the outcome of a deliberate policy of the Government, but isolated acts carried out by some individuals. When such allegations were made, investigations were carried out and disciplinary action was taken against offenders. Victims of such violations could seek redress through the Supreme Court, as torture or cruel, inhuman or degrading treatment was prohibited under the Constitution of Sri Lanka. By these means victims could seek compensation. Contrary to the allegations contained in the letter of the Special Rapporteur of 3 November 1993, there were in fact instances where the Supreme Court had inquired into allegations of violations of fundamental rights by individual members of the armed forces and police and had awarded compensation to the victims.

677. The Government further informed the Special Rapporteur that all detainees were accessible to the ICRC and the HRTF, an independent body established by the Government to look after the welfare of detainees. The Government also informed the Special Rapporteur that in December 1993 Sri Lanka had become a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

678. On 1 November 1994 the Government replied with respect to two cases transmitted on 3 November 1993. In the case Sinnathurai Mohan, who had allegedly been ill-treated in the custody of the navy and army as well as at Kalutara prison, he had been treated on about 10 occasions for various ailments at the prison hospital at Kalutara, but had not made any complaints of assault to the medical officer. With respect to Packinyanathan Anton, who was allegedly tortured in the custody of the navy and at Palaly prison, the allegations were also baseless.

Sudan

Information transmitted to the Government

679. By letter dated 11 July 1994 the Special Rapporteur informed the Government that he had continued to receive reports indicating that torture was practised widely by the police and security forces. Persons detained for political reasons were said to be particularly vulnerable to torture. Many such detainees were allegedly held incommunicado for prolonged periods in secret detention centres known as "ghost houses".

680. The Special Rapporteur also transmitted the cases summarized in the following paragraphs.

681. Mustafa Siri Suliman, secretary general of the Omdurman Ahlia University Students' Union, was reportedly detained by security forces on 27 November 1993 and held in a "ghost house" and tortured.

682. Osman Omer El-Sharief, an MP who had formerly held governmental posts as Minister for Housing, Minister of Justice, and Attorney General, was reportedly arrested on 17 February 1994 in Wad Medani, held for 11 days and then transferred to Khartoum. He was thereafter allegedly detained in a "ghost house", subjected to torture and denied medical care. He had previously been sentenced to 10 years' imprisonment after the 1989 *coup d'état*, but had been released after serving two years.

683. Brigadier (retired) Mohammed Ahmed al-Rayah al-Faki, aged 52, was reportedly arrested on 20 August 1991 by security officers, tortured in detention, tried on 23 September 1991 by a secret military tribunal and sentenced to death, later commuted to life imprisonment. During an 18-month stay in Shalla prison in Darfur, he was allegedly subjected to a variety of forms of torture, including prolonged blindfolding, severe beatings, hosing with hot and cold water, being chained and suspended for periods of up to two days, and being locked for prolonged periods in toilets. He was also allegedly subjected to abuses by a particular official, including rape, having his testicles crushed and genitalia pulled by pliers, having a stick placed between his legs while having his body bent back and being beaten severely on the stomach, and being subjected to electric shocks and cigarette burns. As a result of his ordeal, he was said to have suffered chronic headaches, a seizure, the loss of his left testicle, difficulty in moving his bowels, a slipped disc in the back, temporary paralysis of the left leg, the loss of teeth, damage to the salivary glands and deterioration of his eyesight. In May 1993, after having been transferred to Kober prison, he was taken to hospital for treatment, but was forcibly removed by security forces against the objections of the physician and eventually transferred to Suakin prison. In October 1993 Brigadier Mohamed al-Rayah and five other prisoners, including former Minister for Religious Affairs Abdel Rahman Abdallah Nugdalla, Major General Bushra Ahmed Rahama, Col. Shakir Shams el-Din, Brig. Hashim el-Kheir Hashim, and Ali Dahab Hassanein were reportedly being transferred from Suakin to Port Sudan hospital for treatment following severe torture in

prison. They were allegedly intercepted by security forces, locked in Port Sudan security headquarters cells and again tortured. Brigadier Mohammed al-Raya was said to have collapsed and suffered a deterioration in health and was being treated in Port Sudan hospital.

684. Sayed Omer Awad Abu Garja, a former employee of the forest administration, was arrested in June 1993 in Damazeen and allegedly subjected to torture. He was transferred to Wad Medani town on 15 July 1993 and taken to "ghost house" No. 114 facing the electricity administration buildings. His subsequent whereabouts were unknown, although Wad Medani authorities reportedly said that he had been transferred to Khartoum prison. It was feared that he had been tortured to death.

685. Camillo Odongi Loyuk, a former soldier working as a senior civil servant, was reportedly arrested in Khartoum on 1 August 1992. In December 1992 he was allegedly tied spread-eagled to the bars of a window, a noose tied to tighten as he moved was bound around his testicles, and he was then beaten. He allegedly died as a result of the torture.

686. Farouk Ali Zakaria and Abdel Hamid Ali Basheir, both members of the Communist Party, and Yousif Abdalla, a veterinarian, were arrested in December 1992 by the security forces and were reportedly held incommunicado in a "ghost house". They were allegedly being subjected to continuous torture.

687. The Special Rapporteur advised the Government that he had received further reports according to which flogging was sometimes imposed judicially as punishment pursuant to criminal conviction. On 2 September 1993, 10 men were arrested by security officers at a party at the home of Kamal Mekki Medani in Wad Medani. In addition to Kamal Mekki Medani, those arrested were said to include Mamoun Mekki Medani; Al-Haj Mekki Medani; Hisham El Kareb; Gaafar Mohamed Ahmed; Mohamad al-Amin Gaith; Amir al-Tilib; Salah Disougi; Abdin Miheisi; and Kamal Ahmad Saleh. The raid was allegedly undertaken for political reasons, as some of those gathered were related to Amin Mekki Medani, an exiled senior member of the National Democratic Alliance. The detainees were reportedly taken to a security house, whereupon Kamal Mekki Medani was beaten. They were initially accused of holding a political gathering, but were ultimately charged with consumption of alcohol. They were convicted and sentenced at a public court hearing on 11 September 1993 to 40 lashes. On 2 November 1993 the sentences were carried out against all except for Hisham el Kareb and Abdin Miheisi, after medical reports were submitted indicating that the two men were not physically fit to withstand the flogging. Kamal Mekki Medani was allegedly flogged despite medical evidence that he suffered from hypertension and diabetes.

688. The Special Rapporteur also informed the Government that he had received reports that military intelligence officials, soldiers, and members of the People's Defence Force frequently tortured prisoners arrested during operations in the Nuba mountains and southern Sudan. Among the methods of torture reported were severe beatings, water and food deprivation, forcing prisoners to watch the executions of other prisoners, tying a bag of chili powder over the head, rubbing chili peppers into wounds, and flogging a victim hanging for a period of days from a wooden pole with the elbows tied to the knees. In Juba, a building near the military headquarters known as the "White

House", an army barracks near the White Nile bridge known as the Mechanized Battalion, and the headquarters of the Internal Security Agency near the old commercial centre were places where torture was reported to be often carried out. The following cases were reported:

(a) Ahmed Nasser was arrested in Dilling in May 1992 and allegedly blinded deliberately before being released;

(b) Khalifa Naway, a miner and Shaib Sabreya, a farmer from al-Maryam, were allegedly tortured by troops in the Tima area after they were captured and accused of being members of the Sudan People's Liberation Army (SPLA);

(c) Ismael Sultan and Sheik Hamdin, a chief from Katla south of Dilling, were allegedly tortured to death in April 1992 in el-Obeid;

(d) Mohamed Hamad and Ramadan Jaska, both from Dilling, were reportedly tortured to death.

Urgent appeals transmitted to the Government and replies received

689. The Special Rapporteur made 12 urgent appeals on behalf of the persons mentioned in the following paragraphs. The dates on which the appeals were transmitted appear in brackets at the end of the corresponding summaries.

690. Four senior members of the banned Umma Party were arrested in Khartoum during the first week of February 1994 under Decree Two of the emergency laws. They were identified as El-Fadil Adam Ismail, Secretary General of the Umma Party's youth organization; Abdallah Barakat, imam of the Ansar religious order; Ismail el-Haj Baloul; and Dafallah Mohamed Abdallah. Their place of detention was not disclosed, thus preventing the families and lawyers having access to them (23 February 1994).

691. Magdi Mohamedani, a trade unionist and member of the banned Sudan Communist Party (SCP), was reportedly arrested in Khartoum in early February 1994 and was being held incommunicado in an unknown detention centre (3 March 1994).

692. 'Izzat Mirghani Taha', Ala Mirghani Taha, Ali Hassan Taha, Adil Samsa'ah, Khalifa Khader Kemair, Kamal Abu al-Gassim, Kamal Osman Badai, Kamal Badai, Bashir Badai, Hamuda al-Sheikh, Khajeli Saleh Khajeli, Dr. Kamal Mahmud Gadien, Baha' Abul-Qasim, Saad Karrar, Ali Jaaf'er, Ali-Sadiq Abdel-Magid, Hamaza, Rabie' Ahmed al-Rayah, and Abdel-Rahim Faisel were among a group of around 30 individuals arrested on 10 March 1994 by security officials. The arrests were said to have taken place at a house in Khartoum where relatives and friends were gathering to commemorate the anniversary of the execution of 28 army officers on 24 April 1990. It was reported that some persons were assaulted at the time of their arrest.

693. By the same appeal, the Government was informed that information had been received regarding the arrest on 27 February 1994 of Abdel-Mahmud Abbo, a leading member of the Ansar religious order, the day after he had made a speech critical of the Government at Wad Nubawi mosque in Omdurman. The next morning the following Umma Party members, who had been at the mosque were also

arrested and detained for several hours: Abdel-Rahman al-Sadiq al-Mahdi, former army officer and son of former Prime Minister al-Sadiq al-Mahdi; Abdel-Rahman Farah, former head of security; Dr. Ibrahim el-Amin, former government minister, and Abdel-Mahmud Haj Salih, former Attorney General. Another senior member of the Umma Party, Sarah Nugdallah, Chairperson of the Women's Committee of the party, was also reportedly arrested on 7 March and briefly detained. All five were reportedly ordered to report early each morning to the security headquarters in Khartoum where they would be held until late at night and then allowed to return home. Reports were also received according to which security officials raided the Khartoum offices of the daily newspaper Al-Sudani al-Doulia on 24 February 1994 and arrested Mutasim Mahmoud, a journalist, allegedly for engaging in anti-State activities. He was reportedly being held incommunicado in an unknown place of detention (15 March 1994).

694. Kamal Abdelwahab Nureldayem was reportedly arrested in Khartoum during the first week of March 1994 and was being held incommunicado in an unknown detention center. He was also said to have been arrested on several occasions in the past on account of his opposition to the Government. He was thought to be suffering from a serious intestinal condition and the authorities had in the recent past reportedly denied him an exit visa for medical treatment in Cairo (21 March 1994).

695. Three journalists of the daily newspaper Al-Sudani al-Doulia were reportedly arrested on 4 April 1994 in Khartoum for spreading "false news". They were identified as Ahmad Ali Bagadi, Mutwakil Abdel Daff'eh, and Mahjoub Mohamed al-Hassan Erwa, who was also a member of the Transitional National Assembly. Their whereabouts were unknown but they were believed likely to be detained at security headquarters (12 April 1994).

696. On 14 April 1994 the Government replied that the journalists had been detained for activites endangering public security and were being questioned in accordance with due process of law. They were not being subjected to any form of torture while in detention.

697. Sarah Nugdallah, a university lecturer and member of the executive and women's committees of the Umma Party, who had been a subject of the 15 March urgent appeal by the Special Rapporteur, was arrested again on 7 April 1994. She was initially held at security headquarters but was believed to have been transferred to Omdurman women's prison. She had been arrested on several previous occasions. Also, Abdel Rasoul al-Nur, a former governor of the Kordofan region, was detained on 9 April 1994. He was thought to be detained either at security headquarters or a secret detention centre. He had also been arrested on previous occasions, most recently from 5 April to 25 September 1993 (18 April 1994).

698. Sid Ahmad al-Hussein, a senior member of the Democratic Unionist Party, was reportedly arrested at his home in Khartoum on 20 March 1994 after he had been visited by a number of foreign persons. He was allegedly still being held in incommunicado detention (22 April 1994).

699. Baha' Zaki, Ashraf Adli, and Magdi Chelata, Egyptians working on an educational programme run by the Roman Catholic Church of Khartoum, were reportedly arrested on 18 April 1994 and were being held incommunicado in an unknown detention centre (19 May 1994).

700. Ali Mahmud Hassanein, a prominent lawyer, was reportedly arrested in Khartoum on 6 June 1994 and was being held in incommunicado detention (20 June 1994).

701. Former security adviser Abdel-Rahman Farah and veterinary lecturer Hamad Omar Bagadi, both of whom were said to suffer from poor health, were arrested on 20 May 1994, reportedly in connection with a plot to overthrow the present Government. They were allegedly tortured and transferred on 31 May to a military hospital in Omdurman. Former Prime Minister Sadiq al-Mahdi was said to have been arrested on 20 June 1994 in connection with the same plot. The three men were said to be leaders of the Umma Party, which reportedly had been accused on a 20 June television broadcast of activities such as planning to assassinate prominent Sudanese political figures (24 June 1994).

702. On 7 July 1994 the Government replied by transmitting a copy of an article from the Sudan news in which it was reported that former Prime Minister Sadiq al-Mahdi, after being released, stated that he did not believe that the other arrested persons had been subjected to torture and made statements under duress.

703. The following persons were reportedly detained at the beginning of June 1994 in connection with their trade union activities: Ali al-Mahi al-Sakhi, President of the Central Foundry Workers Trade Union; Ali Khalifa, Secretary General of the Professionals Union; Siddiq Yusuf; Mohamed Babiker Mukhtar, Secretary General of the Employees Union; El Hag Osman, trade unionist; and Suliman al-Khidir. The whereabouts of the six was unknown (5 July 1994).

704. Osman Idris Abu Ras, a prominent trade unionist, was reportedly arrested on 2 August 1994 and was being detained in a "ghost house" around Khartoum. Mostafa Abdel Rahmnan Mostafa had reportedly been detained since December 1992 and was said to have been transferred earlier in the year from a "ghost house" to Saukin prison in eastern Sudan. Hassan Hashim was reportedly arrested and detained in July 1994. All three men were allegedly tortured and their families had not been permitted to see them to provide them with necessary medication (24 October 1994).

Information received from the Government with respect to cases included in previous reports

705. On 5 November 1993 the Special Rapporteur sent an urgent appeal on behalf of Baha'a al-Din Abdul Gassim, who had reportedly been arrested in south Khartoum by four armed plainclothes security officers. On 6 January 1994 the Government replied that Baha'a Al-Din Abdul Gassim had never in fact been arrested.

706. On 15 September 1993 the Special Rapporteur transmitted an urgent appeal in the case of Mamoun Elyas Mohammed Ahmed, who had been arrested in late

August 1993 on suspicion of spying and had allegedly been tortured in custody. On 6 January 1994 the Government replied that interrogations with Mr. Mamoun had reached the final stages and the results of the interrogations would be evaluated in order to bring criminal charges against him. No reference was made in the Government's reply to the torture allegations.

Observations

707. The Special Rapporteur notes that the Government's replies, for which he is grateful, concern only a small number of his urgent appeals and not the more substantial information he has transmitted. The latter tends again to confirm the view of the Special Rapporteur charged with reporting on the situation of human rights in the Sudan that torture continues to be systematically practised in that country (A/49/539, para. 83).

Switzerland

Information transmitted to the Government

708. By letter dated 14 September 1994 the Special Rapporteur advised the Government that he had received information indicating that law enforcement officers had sometimes used deliberate and unwarranted physical violence against persons both immediately before they had been taken into police custody and during their first 24 hours in custody, before they had been put at the disposal of a judge. Such incidents were reported to have occurred most frequently in the canton of Geneva. The forms of ill-treatment alleged included repeated slaps, kicks and punches, and heavy pressure applied to the windpipe causing near-asphyxiation. Detainees were said to be often advised by their lawyers not to file criminal complaints alleging ill-treatment against officers because judicial and administrative investigation into such complaints rarely resulted in disciplinary or criminal sanctions against officers. Detainees indicating their intention to file a complaint were said at times to be threatened with counter-charges of defamation or resisting State officers.

709. The Special Rapporteur also transmitted to the Government the individual cases summarized in the following paragraphs.

710. Sidat Sisay, a Gambian citizen in transit in January 1993 to the United States to receive urgent medical treatment for severe back pain and walking difficulties, was reportedly forced to strip naked and was beaten and kicked on his back and sides by three members of the Geneva airport police who accused him of carrying a false passport. After confirming the validity of his travel documents, two plainclothes officers advised that he be allowed to continue his travel the following day. However, the following day the police and airline informed him that his flight had been cancelled and he was reportedly placed for two days in an airport cell and put on a return flight to The Gambia. A medical certificate issued after his return was said to have confirmed injuries consistent with his allegations, including bruising to his lower back and chest and damage to his right knee which aggravated his existing medical condition.

711. Patricia Schweitzer went to the Bourg-du-Four police station in Geneva after midnight on 18 February 1993, following the arrest of a friend. Upon her arrival, two officers reportedly ordered her to take an alcohol test and threw her into a cell, whereupon her head was knocked against a concrete bed and she fell to the floor. After she demanded an explanation for her treatment, three or four officers allegedly entered the cell and repeatedly kicked and punched her. A medical examination conducted on 20 February reportedly revealed bruising around her eyes, to her knee and left forearm and a possible fracture to her forearm. An X-ray taken on 16 March was said to have revealed a fracture to her right hand and two torn ligaments in her right wrist.

712. Michel Acquaroli was allegedly assaulted by two police officers on 21 April 1993 during a visit to his office in Geneva to inquire about an outstanding debt. The officers allegedly twisted his arm violently and pushed a knee into his back so that he fell to the floor. The police then handcuffed him behind his back and an officer allegedly pressed tightly around his neck, causing him to fight for breath. He was taken to the police station, whereupon he made a formal complaint against the police, but the officer who had assaulted him reportedly threatened him with imprisonment if he lodged the complaint. University of Forensic Medicine doctors examined him that afternoon, noting that he showed signs of physical injury, after which he was arrested for resisting official action and was placed in a cell and asked to strip naked, for the stated reason that the police were afraid that he might commit suicide. Two days later a medical examination revealed bruises to his neck, left wrist, right arm, and lower thorax, superficial wounds on his left arm and right wrist and a laceration to his left shoulder. The examination also recorded that he had indicated pains in his lower back and right thigh and pain in swallowing.

713. Erak Svalto, a Bosnian, was arrested by 20 police officers in Berne on 30 January 1992. During the arrest, some of the officers allegedly elbowed, kneed, kicked and trampled him, hit him in the face with a pistol and called him a "Yugoslav swine". He reportedly received a number of blows to his kidney. Later in the police car he allegedly received karate chops to his neck and was choked with a chain he wore around his neck. He was allegedly subjected to further beatings in the police building. More than one year after his arrest, he was reported to continue to suffer from partial numbness at the back of his head and almost constant pain in the kidney area.

Syrian Arab Republic

Urgent appeals transmitted to the Government and replies received

714. On 2 May 1994 the Special Rapporteur transmitted an urgent appeal on behalf of the following persons: Fadi Munir Jadid; Usama Munir Jadid; Nidal Mahmud Jadid; Salah Mahmud Jadid; Ghassan Fuad Jadid; Saddiq Riad Jadid, aged 17; Yassir Riad Jadid; 'Ammar 'Abbud; 'Ali 'Issa al-Hakim; 'Abd al-Razzaq al-Hallaq; and Na'im Khuri. These persons were arrested in August 1993 shortly after the funeral of Salah Jadid, a former prisoner who died in custody on 19 August, after almost 23 years of detention without charge or trial. The 11 persons were allegedly being held incommunicado also without charge or trial, possibly for their association with the deceased.

715. On 23 May 1994 the Government replied that no person had been detained because of a relationship to, or friendship with Major General Salah Jadid. The Government replied further on 21 July 1994 that none of the persons named in the urgent appeal by the Special Rapporteur were in detention and each was living at his place of residence.

Information received from the Government with respect to cases included in previous reports

716. On 1 September 1993 the Special Rapporteur sent an urgent appeal on behalf of Hassiba 'Abd al-Rahman, who was reportedly arrested on 8 June 1993 on suspicion of links with the banned Party for Communist Action and was being held in incommunicado detention. On 11 February 1994 the Government replied that Hassiba 'Abd al-Rahmand was detained for being a member of a terrorist group, was never subjected to torture and was released on 15 November 1993.

Togo

Information transmitted to the Government

717. By letter dated 7 June 1994 the Special Rapporteur advised the Government that he had received information concerning Attiogbé Stéphane Koudossou and Gérard Akoume, who were arrested on or around 26 July 1993 and were allegedly tortured in police custody at the Lomé national gendarmerie. They were said subsequently to have confessed on national television to having carried out bomb attacks and on 13 August they were tried by the Tribunal des flagrants délits. Their lawyer made an unsuccessful attempt to have the proceedings suspended on the ground that the only evidence for the prosecution was their confessions, which had been obtained under duress in police custody. The lawyer also asked that they be examined by a forensic physician, but the tribunal refused. The trial therefore continued and they were sentenced to three years' imprisonment.

718. The Special Rapporteur also informed the Government that reports were received according to which Simianleine René Odanou and Jacques Odanou had been arrested in Korbongou in April and March 1993, respectively, because of their activities in opposition to the incumbent Government. They were detained for several weeks at the platoon camp of the national gendarmerie, where they were allegedly beaten severely and given electric shocks.

Follow-up of cases transmitted previously

719. By the same letter the Special Rapporteur informed the Government that he had received new information regarding previously transmitted cases, as described in the paragraphs below.

720. On 6 May 1993, the Special Rapporteur sent an urgent appeal to the Government on behalf of the following persons: Latévi Prosper Lawson, Jean Lawson Laté, Jules Gagli, Rosali Gagli, Koffi Agbali, Sossouvi Afatchawo, Kossi Amedegounou, Koudjo Atsu, Kodzo Akakpo, Kossi Assignon, Alphonse Adjeovi, Agbévé Toyo, Komi Kpetigo, Sévi Sadi, Antoine Aboudou, Kossi Fiagnon, Folly Kuegan Yao Agbagnon, Tchassé Koumi Koffi Toyo, Ahamadou Boukari, Komi Hounkpati, Ekue Koulepato, Folly Ananou and Kokou Gakoto. According

to the information received, these persons were arrested in Lomé on 25 March 1993, several days after an attack on the residence of President Gnassingbé Eyadéma. They were taken to the Lomé gendarmerie, where they were allegedly tortured.

721. The Government subsequently informed the Special Rapporteur that an investigation was being conducted in order to establish the responsibility of the above-mentioned persons in the attack carried out against the "Camp du Regiment Interarmes Togolais". Latévi Prosper Lawson, Jules Gagli, Kossi Amedegounou, Kodjo Akakpo, Kossi Assignon, Antoine Aboudou, Ekué Prosper Koulepato, Folly Ananou and Folly Kuegan were released from detention, and Rosalie Gagli was released on probation. Alphonse Adjeoui, Agbévé Toyo, Kossi Fiagnon and Sossouvi Afatchauo were arrested on charges of theft. Komi Kpetigo was charged with drug trafficking and Jean Laté was not known to the police or the gendarmerie.

722. The Government's reply was transmitted to the source, which confirmed that most of the civilians arrested had subsequently been released. It observed, however, that the Togolese authorities did not appear to provide any response to allegations that those arrested were subjected to torture or ill-treatment, nor to have opened or carried out any investigation into those allegations.

723. On 3 September 1993, the Special Rapporteur sent an urgent appeal concerning a group of about 40 persons said to have been arrested on 26 August 1993 by the security forces in Agbandi and Diguine in central Togo in connection with the disturbances which took place after the results of the presidential election were announced. The detainees were allegedly beaten at the time of their arrest and then taken to the Blitta gendarmerie, where they were all locked into a cell designed to hold five prisoners. The next day, 15 of them were reportedly found dead and 4 others allegedly died later. It was also reported that about 20 of the detainees were transferred to the Char prison in northern Togo. Fears were expressed that they might be subjected to torture or ill-treatment. In addition, on 7 October 1993, the Special Rapporteur interceded on behalf of Kokou Okesson Mbooura, a teacher in Kétao, reportedly arrested on 27 August 1993 in Blitta while trying to locate a member of his family arrested the previous day in connection with the disturbances in Agbandi at the end of August. He was allegedly being held incommunicado at the Kara gendarmerie in the north of the country and fears were expressed that he might be tortured or ill-treated.

724. On 13 October 1993, the Government informed the Special Rapporteur that some people had been arrested at Agbandi on 26 August 1993 for having damaged electoral equipment and had been taken to the Blitta gendarmerie. Kokou Okesson Mboura was one of the persons who visited the detainees. Also on 26 August, some of the arrestees had been poisoned after eating food provided by visitors. Kokou Okesson Mboura had been arrested as he was delivering food containing syringes to one detainee. According to the report made by a toxicologist, the syringes contained a very dangerous poison. The judicial authorities of Sokodé had issued a detention order against him and he had been taken to the civil prison in Kara. He had never complained before

the judge about ill-treatment and received regular visits from his wife. He could also have access to his lawyer. The latter, however, had not yet asked the judge for permission to see his client.

725. In connection with the response provided by the Government, the source stated that, without disputing the findings of the police laboratory, its main concern arose from the fact that no autopsies had been carried out on the bodies of those who died, either to investigate allegations of torture or to establish the cause of death. The Government's reply did not contain any response to allegations that the detainees died as a result of torture, ill-treatment and asphyxiation after 40 of them were crammed into a small cell. No inquiry into these serious allegations appears to have been carried out.

Tunisia

Information transmitted to the Government and replies received

726. By letter dated 3 May 1994 the Special Rapporteur advised the Government that he had received information indicating that torture, although forbidden in the Constitution and legal codes, was frequently practised in police, gendarmerie and national guard stations throughout the country, especially against suspected opponents of the Government such as sympathizers of the al Nahda Islamic Movement and the Parti communiste des ouvriers de Tunisie (PCOT). Methods of torture reported included severe beatings, sometimes while the victim was suspended in contorted positions, electric shocks, and insertion of broken bottles or other sharp objects into the anus. Such methods were said to have been employed mainly to extract confessions or information, as well as for punishment or intimidation.

727. Article 13 *bis* of the Code of Penal Procedure provides that suspects may not be detained by the police or the gendarmerie for more than 4 days and that the Procureur de la République must be informed of any detention and may prolong *garde à vue*, by written order, for a further 4 days. Only "in case of absolute necessity" may *garde à vue* be prolonged for a further 2 days to a total of 10 days. During or after the *garde à vue* period the detainee or any member of his or her immediate family may request a medical examination. The dates and times of the beginning and end of *garde à vue* detention and the dates and times at which each interrogation begins and finishes must be noted in a register kept in each police station. It was reported, however, that the police and the gendarmerie frequently falsified records in order to make it appear as though they had adhered to the legal limits of *garde à vue*.

728. It was also alleged that formal requests, stamped by the *Procureur's* office, for the medical examination of persons detained for political reasons, in accordance with article 13 *bis*, were consistently ignored. *Procureurs* were said to have been ready, without question, to accept forged documents produced by the police and their own officials while ignoring well-attested evidence of illegally prolonged *garde à vue* detention. Detention centres wherein inmates allegedly had been illegally held and tortured were not visited or inspected by the *Procureurs*, and the few investigations opened by *Procureurs* into cases of ill-treatment, torture or suspicious death were either dropped or else had carried on interminably and without results.

729. Investigating judges reportedly failed to ensure that people claiming to have been tortured received prompt medical examinations and that the torture dossiers passed to the Procureur were actually investigated. Moreover, court judges at every level allegedly failed to ensure that defendants received medical examinations or that their torture allegations were properly investigated, even when there was clear evidence of torture in pre-trial detention.

730. On 24 September 1994 the Government transmitted a reply stating that it made special efforts to ensure that the relevant provisions of the instruments safeguarding human rights to which Tunisia had subscribed were complied with and that whenever it received an allegation of ultra vires action, it never hesitated to order investigations and to impose any necessary sanction. Following allegations of such acts committed during the period of emergency experienced in 1991, the President on 20 June 1991 set up an independent Committee of Inquiry to investigate those allegations. Mr. Rashid Driss, the President of the Higher Committee on Human Rights and Fundamental Freedoms, was appointed Chairman of the Committee. Investigations carried out by the Committee established that ultra vires acts had occurred, but that they constituted isolated cases.

731. The Ministry of the Interior had also adopted a series of measures designed to safeguard human rights and 116 members of the security police were implicated in 105 cases involving abuses of various kinds. The reports submitted by the Committee Chairman revealed that 55 officials whose guilt was established had received sentences varying according to the degree of seriousness of the abuse committed, three cases were dismissed, and judicial inquiries were continued in some other cases. All identified ultra vires activities had stopped entirely. The Government did not indicate how many of these cases involved incidents of torture or ill-treatment.

732. The Government also stated that allegations relating to the falsification of dates of arrest and to prolonged garde à vue detention were inaccurate and excessive and ran counter to law and practice related to garde à vue detention. The provisions of the Code of Penal Procedure offered concrete guarantees against garde à vue detention in excess of the legally permitted period and against all forms of violence or torture.

733. In his letter of 3 May, the Special Rapporteur also communicated to the Government individual cases to which the Government replied in its letter of 24 September. The allegations and replies are summarized in the paragraphs below.

734. Tawfik Rajhi, an academic who had been living in France for the preceding 10 years, returned to Tunisia for a visit on 22 July 1993. On 26 July he was reportedly arrested and held in illegally prolonged incommunicado detention for 23 days, during which time his family tried to no avail to obtain information as to his whereabouts. He later stated in court that during incommunicado detention he was ill-treated and forced by police to sign a statement without knowing the contents. However, no investigations into the allegations were ordered by the court and he was sentenced on charges of membership of an unauthorized organization.

735. The Government informed the Special Rapporteur that Taofik Rajhi had actually been arrested on 11 August 1993 for membership of an unauthorized organization. He was not detained incommunicado, was not ill-treated and was not forced to sign a police statement without knowing its contents. He was sentenced on 31 August 1993 to a term of imprisonment which was later reduced by the Tunis court of appeal on 8 October 1993 to eight months. He was released on 11 April 1994 and had recently left Tunisia. Mr. Rajhi made no mention of torture until his appeal hearing. It was a frequent practice among accused persons to bring up procedural questions at appeal level in order to negate a confession.

736. Jaoua Thameur, a resident of Gammarth, Tunis, was reportedly arrested on 31 January 1993 at the Taoufik clinic by members of the police who carried no warrant. He was then transferred to the Sfax prison and held incommunicado for a period of weeks. Although recovering from a back operation, he was allegedly subjected to torture. When on 20 February his family were permitted to visit him, he was unable to move.

737. According to the Government, Jaoua Thameur was arrested on 14 February 1993 by the judicial police, was sentenced by the court of first instance in Sfax to 14 months' imprisonment for unlawful political activities and was released on 14 April 1994. An examination conducted by the prison doctor during his detention in Sfax revealed that his pains were the result of an old injury. During his stay in the dispensary at the Sfax prison, he was examined on 23 and 27 February and given adequate medical treatment. He was transferred to the Tunis civil prison on 16 May 1993, where he stayed in the dispensary and received satisfactory treatment and was in a normal state of health. The allegations that he was subjected to torture and no longer capable of moving about were totally unfounded. Also, he had never been deprived of contact with his lawyer and had received regular visits from family members.

Follow-up to cases previously transmitted

738. By the same letter, the Special Rapporteur informed the Government that he had received additional information with respect to a case previously transmitted to the Government. On 13 September 1993 the Special Rapporteur sent an urgent appeal to the Government on behalf of Salaheddine Zikikout, arrested on 8 August 1993. On 18 October 1993 the Government replied, inter alia, that he was detained in the civil prison of Tunis where he could be visited by his family, and was treated normally, in accordance with the 1988 prison regulations. Further information received by the Special Rapporteur indicated that after his arrest Salaheddine Zikikout had been held for 53 days in incommunicado detention, 43 days more than the maximum period allowed by law. During that time he was said to have been tortured and made to sign a police statement under duress and without knowing its contents. Both the court of first instance, which sentenced him to 18 months' imprisonment for membership in an unauthorized organization, and the appeal court, which on 18 January 1994 upheld the sentence, refused to investigate the allegations of ill-treatment. They also were said to have failed to investigate allegations that the arrest date of 19 September on the police records had been falsified in order to conceal the illegally prolonged garde à vue detention.

739. The Government replied that Salaheddin Zikikout had been detained under an arrest warrant issued against him by the Government Procurator and sentenced by the courts with full respect of the rights of the defence and within the framework of the guarantees offered to persons involved in court proceedings. The allegations concerning torture and the falsification of the date of arrest were false. Tunisian law offered all individuals ways of denouncing and demanding compensation for any prejudice they may have suffered.

Urgent appeals transmitted and replies received

740. On 1 March 1994 the Special Rapporteur transmitted an urgent appeal on behalf of Ali Mabouj, a Tunisian citizen resident in France, who was arrested by the police on 6 February 1994 at his home in Ben Guerdane, Medenine district. Following his arrest he reportedly was being held incommunicado, without contact with his family or lawyer, beyond the time-limit of 10 days provided for by law.

741. On 24 September 1994 the Government replied that Ali Mabouj had in fact been arrested on 18 February 1994, inter alia, for membership in an unauthorized association. On 22 February the Public Ministry attached to the court of first instance in Medenine issued a warrant for his detention in the civil prison of Medenine where he was being held. He had not been kept incommunicado nor been subjected to any ill-treatment. He was in a normal state of health and was regularly visited by his mother, wife and son. On 30 September 1994 the Government further informed the Special Rapporteur that Ali Mabouj had been sentenced to six months' imprisonment for collection of illegal funds.

742. In the same communication of 1 March, the Special Rapporteur also made an appeal on behalf of Hamma Hammami, a member of the unauthorized Tunisian Workers' Communist Party, who was convicted in absentia in December 1992 for having taken part in illegal meetings and distributed leaflets. According to the reports, he was arrested in Tunis on 14 February 1994 and subjected to torture at Sousse police headquarters and the Ministry of the Interior, following which he lost consciousness for several hours. Since then his condition has reportedly been precarious and he has been refused all medical treatment.

743. On 24 September 1994 the Government replied that the police officers, during a patrol of Sousse on 14 February 1994, wanted to check the identity of Hamma Hammami, who was behaving suspiciously, but he ran away. He was pursued and caught, whereupon he struck and injured two police officers. He did in fact undergo a medical examination at the request of his lawyers. The fears expressed regarding torture were unfounded.

744. The Special Rapporteur transmitted a further urgent appeal in the case of Hamma Hammami on 13 December 1994. According to new information, he had gone on hunger strike in prison on 7 December 1994 and had been moved to an undisclosed location to be "punished". His family and lawyers were reportedly being denied access to him.

745. On 15 December 1994 the Special Rapporteur transmitted an urgent appeal on behalf of Jalel Maleej, a Tunisan academic living in Paris, who was arrested on 4 December 1994 upon his arrival from France. He was reportedly being held incommunicado in garde à vue detention.

Turkey

Information transmitted to the Government and replies received

746. By letter dated 15 September 1994 the Special Rapporteur informed the Government that he had continued to receive reports indicating that the practice of torture in Turkey was widespread, particularly in Istanbul, Ankara, and the south-east. Torture was said to be used for the following reasons: to extract confessions, to elicit names of members of illegal organizations, to force villagers to abandon opposition to the village guard system, to intimidate detainees into becoming police informants and to punish persons informally for support of illegal organizations. The victims of such torture were often persons detained under the Anti-Terror Law and those accused of petty criminal offences.

747. The forms of torture most frequently reported were those which left little or no medical evidence: hosing with cold water, hanging by the arms or wrists bound behind the victim's back, death threats, electric shocks, sexual assault, and food deprivation.

748. Detainees accused of offences under the Anti-Terror Law reportedly could be held incommunicado for 30 days in the 10 south-eastern provinces under emergency legislation, and for 15 days elsewhere in Turkey. Persons detained on suspicion of ordinary criminal offences could be held for up to eight days before being formally charged or released. While in police custody, detainees were said to have no right to see a doctor of their own choice, but instead could be brought before a doctor appointed by the State-run Forensic Medical Institute. It was alleged that such medical examinations were performed in a perfunctory manner, almost invariably with police officers present. Any allegation brought against a public servant in any of the provinces under emergency legislation could be blocked from judicial examination by the office of the local governor, which was responsible for police and policing.

749. The Special Rapporteur also transmitted the individual cases summarized in the following paragraphs.

750. Baki Erdoğan was reportedly detained on 10 August 1993 in Söke district of Aydin in western Turkey, interrogated incommunicado and severely tortured in Aydin police headquarters for 11 days. On 21 August, he was taken to hospital and died that same day. An autopsy report was said to have contained a long list of cuts and bruises on his body and to have attributed the cause of death to "respiratory insufficiency".

751. Savme Durmaz, an Assyrian Christian from Alagöz village in Mardin province near the border with the Syrian Arab Republic, and his son Şükrü Durmaz, aged 15, were reportedly detained on 26 October 1993 by members of the gendarmerie force who came to their village. Their detention was said to be unacknowledged and fears were expressed that they had been tortured.

On 30 October, 6 villagers and another son of Savme Durmaz, aged 10, were reported also to have been detained when they went to inquire about the fate of Savme and Şükrü Durmaz. They were allegedly tortured and released two days later in very poor physical condition.

752. Gökhan Demirkiran was one of four persons reportedly arrested in Istanbul at a press conference during which a number of persons declared themselves to be conscientious objectors to military service. After his arrest he was allegedly tortured and wounds were observed on his body during a subsequent appearance in court.

753. Francos Marcos, a citizen of Kenya, was held in Silopi refugee camp near the border with northern Iraq. On 4 January 1994, the camp administration reportedly told the refugees to move their tents to an area near the perimeter of the camp covered with rubbish and excrement and the site of daily armed clashes between government troops and rebels. Many of the refugees resisted the order to move, whereupon the police allegedly fired shots into the air and drove armoured vehicles at the refugees assembled in the camp square. Francos Marcos was allegedly run over by a vehicle, which caused him severe injuries. Emergency surgery was performed on him at the State hospital in Diyarbakir. On 17 January he was certified fit for discharge, although he had been fitted with a urethral catheter which had to be changed every three weeks and could be removed only after two months. He was also prescribed bed rest for 30 days and orthopaedic supervision. It was alleged that he had been discharged prematurely because the Government was refusing to pay for his treatment and the hospital was unable or unwilling to cover the cost. He was being tentatively kept in the psychiatric ward due to emotional difficulties, but it was feared that he was not receiving adequate medical treatment for his injuries.

754. On 11 October 1994 the Government replied that Francisco Marcos had been injured when he was caught between the crowd and a stationary police vehicle. He was receiving treatment at the American Hospital in Gaziantep and would be discharged following his full convalescence.

755. Mehmet Sen, a member of the Democracy Party Provincial Management Committee, was reportedly arrested on 26 March 1994 at his cafe in Nizip, Gaziantep, by four policemen. They told Mehmet Sen that they were taking him to Security to give a statement, but when his wife inquired with the Security authorities in Nizip, Antep, Birecik and Urfa to determine the whereabouts of her husband, each denied that they had taken him into custody. On 30 March 1994, Mehmet Sen's body, displaying signs of severe torture, was found in the mountains near the village of Karpuzalan. Although two bullet wounds were found neither had any traces of blood, seemingly indicating that he had previously died of torture.

756. Abdulrezak Ikincisoy and his two sons, Halil Ikincisoy and Mehmet Sah Ikincisoy, were arrested on 22 November 1993 and taken to Market police station in Diyarbakir. During the trip to the station they were allegedly continuously beaten. At the police station, Halil was further beaten and Abdulrezak was assaulted with an iron bar. The detainees were then transferred to riot police headquarters. There Halil was allegedly made to strip and was subjected to pressurized water and beatings. He was deprived of

food and water for two days and released by the prosecutor after 14 days in detention. Abdulrezak was also allegedly beaten severely, suffering two broken ribs as a result. He was denied food and water for three days and released on the fourth day. Both Halil and Abdulrezak were said to have heard the screams of Mehmet Sah being tortured. On 6 December 1993 the State Security Court Prosecutor reportedly informed Abdulrezak that Mehmet Sah had escaped to the mountains, had been killed in a clash, and had been buried at the council cemetery in Diyarbakir. Abdulrezak was denied a request for an autopsy and was said to fear that his son had in fact died as the result of torture in the custody of the riot police.

Follow-up to cases previously transmitted

757. By the same letter the Special Rapporteur informed the Government that he had received new information on cases previously transmitted, which is summarized in the following paragraphs.

758. Urgent appeals were transmitted on behalf of 10 lawyers on 19 and 30 November 1993: Tahir Elçi, Meral Daniş Beştaş, Mesut Beştaş, Baki Demirhan, Arif Altinkalem, Şinasi Tur, Hüsniye Ölmez, Sebahattin Acar, Vedat Erten, and Niyazi Çem. Six other lawyers were reportedly also arrested during the same period: Gazanfer Abbasioğlu, Fuat Hayri Demir, Arzu Şahin, Nevzat Kaya, Selim Kurbanoğlu and Imam Şahin. All 16 lawyers were reportedly detained and interrogated while being held incommunicado and in Diyarbakir gendarmerie headquarters from mid-November to 7 December 1993.

759. By letter dated 27 January 1994, the Government replied that in accordance with the Turkish Penal Code, a judicial inquiry had begun into the cases of the 16 lawyers because of their suspected links with the PKK. Sabahattin Acar, Hüsniye Ölmez, Tahir Elçi, Fuat Hayri Demir, Mesut Beştaş, Meral Beştaş, M. Arif Altunkalem, M. Selim Kurbanoğlu and Vedat Ertem Diyarbakir had been remanded in custody by the Court of State Security in Diyarbakir. Arzu Şahim and Imam Şahim had been placed under surveillance. The release of Şinasi Tur, Baki Demirhan, Mehmet Gazanfer Abbasioğlu, Nevzat Kaya and Niyazi Çem had been ordered by the Court. By a subsequent letter of 7 February 1994 the Government stated that Tahir Elçi and Sebahattin Acar had also been ordered released and that Imam Şahin and Arzu Şahin had been ordered arrested on 21 December 1993 by the Diyarbakir State Security Court. The replies of the Government did not address the fears expressed with regard to torture or ill-treatment.

760. The Special Rapporteur informed the Government that he had received new information regarding the arrested lawyers, according to which they had been held in freezing temperatures and forced to sleep on wet concrete floors for periods up to 26 days. Many of them were kept blindfolded for much of their detention. They were each said to have been deprived of adequate food and to have been regularly kicked, beaten, and subjected to verbal abuse. A purpose of the mistreatment was to coerce them to sign statements which they were unable or not permitted to read. All of the lawyers reportedly were questioned in regard to what the interrogators termed the "political cases" in which they had been involved. Many of such cases were those wherein human

rights issues were raised and some were said to involve petitions the lawyers had prepared or were preparing before the European Commission of Human Rights.

761. Tahir Elçi, who had been representing a number of clients in cases before the European Commission of Human Rights, was reportedly detained in Cizre on 23 November 1993 by police officers connected to the Cizre Security Directorate. He was blindfolded, put in a small dark cell at the Security Directorate and later brought into an interrogation room and threatened by his interrogators with death should he "look into human rights violations". He was then allegedly slapped around, stripped naked and his testicles were squeezed violently. After being kept blindfolded at Cizre District Gendarme Command for two days in a basement, he was taken to Diyarbakir Gendarme Intelligence Interrogation Centre, where he was allegedly forced to lie on a concrete floor blindfolded and tortured. During the torture sessions, his interrogators asked him questions relating to his human rights activities. He was then reportedly placed in a military vehicle and told he was going to be taken to the country and shot under a bridge. He was allegedly removed from the vehicle and forced to lie blindfolded on the ground, where a gun barrel was forced into his mouth, he was kicked several times and was abused with foul language. When he refused to admit to the accusations, the officers allegedly fired a dozen shots around him. One week later, after refusing to sign statements, he was allegedly stripped naked, tortured with high pressurized water and had his testicles squeezed. One day before being brought before the State Security Court (DGM), he and another lawyer from the Istanbul Bar, Niyaze Çem, were reportedly taken to the toilet in the basement and subjected to cold pressurised water for hours. He was released on bail at his court session.

762. Meral Daniş Beştaş was arrested with her husband, Mesut Beştaş, and two other lawyers while they were leaving the State Security Court on 16 November 1993. They were taken to gendarmerie headquarters and blindfolded. Meral Daniş Beştaş was interrogated for four days about her work for the Human Rights Association (IHD), during which she was allegedly slapped, kicked, deprived of sleep and subjected to insults, including those of a crudely sexual nature. On 9 December she was asked while blindfolded to sign a prepared statement. When she said she could not sign anything she could not see, she allegedly was threatened with torture, whereafter she was stripped of her clothes, and soaked for an hour with freezing water. An hour later she allegedly was kicked, beaten and subjected to hosing with ice cold water for 60 to 90 minutes. Two days later, upon examination, she received a medical report indicating that she had contracted pneumonia. Despite her condition, she was not provided any medical attention.

763. Şinasi Tur had been arrested previously in January 1993 and during eight days' interrogation at Diyarbakir Security Directorate Struggle with Terrorism Branch had been allegedly subjected to beatings, squeezing of his testicles, electric shocks, and pressurized cold water. He was released on bail after spending three months on remand at Diyarbakir prison. He was convicted at State Security Court No. 1 of aiding and abetting a terrorist organization and the conviction was said to be on appeal. He was reportedly again arrested on 15 November 1993 with some of the other lawyers and spent 26 days

undergoing interrogation at the Diyarbakir Provincial Gendarme Regiment Command. He was allegedly forced to sign a prepared statement under threat of torture.

764. Niyazi Çem was arrested on 23 November 1993 in the corridor of Istanbul State Security Court and held at the Struggle with Terrorism Branch in Istanbul for four days. He was taken to the Gendarme Regiment Command headquarters in Diyarbakir on 28 November 1993, blindfolded, and accused of participation in activities in connection with the PKK. After denying the allegations, he was allegedly beaten on a regular basis until 7 December 1993. On 8 December, his interrogators attempted to force him to sign a statement without allowing him to read it. On 9 December, those lawyers who had refused to sign statements, including Niyazi Çem, were allegedly tortured again. Niyazi Çem was said to have heard the screams of Hüsniye Ölmez and Meral Daniş Beştaş being tortured. He was allegedly made to strip naked and he and Tahir Elçi were both hosed with pressurized water. He was reportedly threatened with either signing the statement or being shot later. He was released after 18 days in custody.

765. Imam Şahin was taken into custody by Istanbul Struggle with Terrorism Branch police on 7 December 1993 as he was entering a hearing at the State Security Court in Istanbul. He was taken to his house where his wife, Arzu Şahin, was also arrested. They were blindfolded and placed in a cell at the Security Directorate and on 11 December were brought to the Diyarbakir Intelligence Interrogation Centre. Imam Şahin was then allegedly stripped naked and subjected to repeated torture sessions, during which he was hosed with pressurized cold water, had his sexual organs squeezed, and had electric shocks applied. He was reportedly taken by the hand and forced to scribble a signature on papers, the content of which he did not know.

766. Following an urgent appeal transmitted 8 October 1993 on behalf of Nilüfer Koç, the Government in a letter to the Special Rapporteur dated 28 January 1994 stated that it had been established by a medical report that she was neither mistreated nor submitted to torture during her detention. According to the new information received, Nilüfer Koç, a Kurdish interpreter of Turkish origin and a student in Germany, was detained on 29 September 1993 in Uludere, Sirnak province, where she had been accompanying a German delegation to Turkey. She was taken to the gendarmerie headquarters and in the course of the interrogation was allegedly hung by handcuffs from a hook for two hours, hosed with cold water while naked, beaten, called a "Kurdish whore" and grabbed by the hair and had her head hit against the wall. Her torturers also allegedly held a weapon against her forehead and told her to make a "last wish". During her three days of detention, she was said to have heard the sounds of screaming in the next room, as well as sounds indicating that a corpse was being removed.

767. On 15 December 1993 the Special Rapporteur sent an urgent appeal, summarized below, regarding a number of staff persons of the newspaper Özgür Gündem (Free Agenda) detained by police on 9 and 10 December 1993. Further information was received indicating that detainee Fahri Ferda Çetin, while being held in incommunicado detention at Istanbul police headquarters, was allegedly suspended by the arms and given electric shocks to his genitalia and feet, had his testicles twisted and was hosed with ice-cold water.

Necmiye Aslanoğlu, during her detention in Diyarbakir, was allegedly stripped of her clothes, beaten, dragged by the hair, and suspended by the arms while she was given electric shocks through her navel and toes.

768. On 25 April 1994 the Special Rapporteur sent an urgent appeal, summarized below, regarding 21 persons who were reportedly detained on or around 17 April 1994 in Ankara in connection with activities concerning the magazine Alinteri (Toil). They were identified as: Firdevs Kirbiyik, Fatime Akalin, Derya Tanrivermiş, Zafer Sakin, Cemile Derya Deveci, Yusuf Deveci, Nuri Akalin, Hüseyin Pur, Kiymet Pur, Zafer Kirbiyik, Emel Vergül, Tuğba Sarihan, Hacer Tekin, Emrullah Şimşek, Ufuk Akçapinar, and Atilla Ateş. According to information subsequently received, all of the detainees were tortured while in custody. The torture methods were said to include hosing with ice-cold water, hanging by the wrists, application of electric shocks and sexual torture. Twelve of the detainees were held for 9 days and the others were held for 15 days. Zaffer Kirbiyik and Nuri Akalin, both high school students aged 17, were said to have been charged with membership in an illegal organization and committed to prison.

769. By the same letter the Special Rapporteur reminded the Government of a number of cases transmitted in 1992 regarding which no reply had been received.

Information received from the Government on cases included in previous reports

770. On 14 September 1993 the Special Rapporteur sent an urgent appeal on behalf of Abdullah Ay and Semsettin Ay from Kelekçi village, and Mehmet Tekin, Ömer Ünal and Mecit Memiç from Kayikili village, who were reportedly detained on 30 August 1993 upon returning to their villages after village guards and security forces had set fire to houses in the villages on 27 July 1993. On 21 December 1993 the Government replied that the security forces on 5 September 1993 apprehended Abdullah Ay, Semsettin Ay, Mehmet Tekin and Mecit Memis, and the judicial authorities released them following interrogation procedures. It was established that during police custody these persons had not been subjected to any ill-treatment, that Ömer Ünal had never been detained, and that it was inconceivable that the security forces should have broken into and set fire to the homes of villagers in Günesli and Kayikli in an attempt to force them to become village guards.

771. On 30 September 1993 the Special Rapporteur sent an urgent appeal on behalf of Memik Horoz, Sezemis Horoz, Ismail Yilmaz, Ulkü Daricioglu, Ethem Cilgin, Ahmet Polat and Mehmet Polat, who were reportedly being held incommunicado in the anti-terror branch of Istanbul police headquarters. On 21 December 1993 the Government replied that all of these persons except for Mehmet Polat had been arrested on 18 September 1993 in an operation against the TKP/ML-TIKKO (Turkish Marxist-Leninist Communist Party/Turkish Workers' and Peasants' Liberation Army), that they were released by judicial order on 30 September 1993 and that it had been established by means of medical reports that they had not been subjected to any ill-treatment during their period of police custody. Mehmet Polat had never been held in police custody but had been invited to the Security Directorate, where he was interrogated. He was not subjected to any ill-treatment during the interrogation, after which he departed the premises.

772. On 29 October 1993 the Special Rapporteur sent an urgent appeal regarding Mehmet Caki, who was arrested with his wife Saime Caki and Mehmet Delen on 20 October and was allegedly being tortured by officers of the Sanliurfa anti-terror branch. On 21 December 1993 the Government replied that these persons had been arrested in operations carried out in Sanliurfa against the PKK and that it had been established after investigation that they suffered no ill-treatment during their period of police custody. On 11 January 1994 the Government transmitted a further reply stating that Mehmet Caki had been released by the Urfa court on 1 November 1993 and that before his release he had undergone a medical examination which showed no physical sign of torture or ill-treatment. Moreover, he had not lodged any complaint concerning ill-treatment during his detention. However, following receipt of the communication from the Centre for Human Rights, the Viransehir Public Prosecutor's Department began an inquiry concerning the possibility of ill-treatment of Mehmet Caki by the security forces. Since no evidence or indication of such a possibility was discovered, the inquiry was discontinued on 21 December 1993.

773. On 4 October 1993 the Special Rapporteur transmitted an urgent appeal on behalf of Behçet Ekinci who had reportedly been beaten and detained by the anti-terror branch in Diyarbakir on 21 September 1993. On 21 December 1993 the Government replied that he was to be tried for activities in connection with the PKK and that there was no indication that he had been ill-treated by law enforcement officials.

774. On 16 September 1992 the Special Rapporteur transmitted information on the case of Nazli Top, a nurse, two months pregnant, who had allegedly been severely tortured, including through sexual abuse, by members of the Istanbul police in April 1992. On 13 January 1994 the Government informed the Special Rapporteur that seven police officers from the Bahcelievler police precinct had been brought before Istanbul Penal Court No. 3 on charges of having tortured Nazli Top on 27 April 1992.

775. The Special Rapporteur sent an urgent appeal on 14 October 1993 on behalf of Mehmet Sirin Öğünc, Hakim Öğünc, Zeki Öğünc, Hüseyin Ugurlu, Sami Duygu and Hüsamettin Duygu, who had been detained by the gendarmerie in Altinova on 3 October 1993. On 17 March 994 the Government replied that Nizamettin Duygu, Zeki Ögunc and Hüseyin Ugurlu were being charged with assisting and providing shelter to the PKK but were free while the case was pending and that the other persons had been released. There was no indication that any of the persons involved were subjected to torture or any other mistreatment.

776. On 11 October 1994 the Government replied to three cases submitted by the Special Rapporteur in his letter of 26 August 1993. The allegations and replies are summarized in the following paragraphs.

777. Soner Önder, a 17-year-old student was reportedly severely tortured during interrogation from 25 December 1991 to 8 January 1992 at the anti-terror branch of Istanbul police headquarters. According to the Government, he had pleaded not guilty to charges against him, claiming his statement was obtained under duress and the Istanbul State Security Court was examining the public case against him.

778. Ibrahim Dilek was arrested on 20 March 1993 in Baristepe village, Mardin province, and his body was found in a well 10 days later bearing the marks of severe torture. The Government replied that Ibrahim Dilek was arrested on 20 March but was released at 11.30 p.m. that same evening. An autopsy revealed that he had been tortured and had died of respiratory and circulatory deficiency. The Gercüs State Prosecutor was investigating the crime.

779. Mehmet Kiran was arrested on 17 June 1993 by soldiers in the village of Atala, near Mazidagi, Mardin, and interrogated at the gendaremerie in Derik. He allegedly suffered a broken arm as a result of his treatment. According to the Government, he had not been subjected to any kind of ill-treatment during detention.

Urgent appeals sent and replies received

780. The Special Rapporteur transmitted 31 urgent appeals to the Government. Summaries of these are reproduced below. The dates on which the appeals were sent are mentioned in parentheses at the end of the corresponding summary.

781. The following staff of the newspaper *Özgür Gündem* (*Free Agenda*), were reported to have been detained during a series of nationwide police operations against the newspaper: Gürbetelli Ersöz (female), Fahri Ferda Çetin, Gülten Kisanak (female), Müslüm Yücel, Mahmut Dogan, Ferhat Tugan, Yurdusev Özsökmenler, Nursel Polat (female), Dogan Güzel, Ali Riza Halis, Mehmet Balamir, Düzgün Deniz, Faysal Dagi, Mucahir Kuas, Hüseyin Solgun, Mehtap Gürbüz, Ali Seyhan, and Semsettin Ecevit were arrested in Istanbul. Hasan Özgün, M. Siraç Koç, Necmiye Aslanğlu (female), Mehmet Sah Yildiz, Nuray Tekdag (female), and Bitan Onen were arrested in Diyarbakir. Sezai Karakoç, Riza Zingal, Serdar Cayçioglu, Namik Alkan, Emin Ünay, Ciller Yesil, and Leyla Akgül (female) were arrested in Izmir. Haci Cetinkaya, Sükrü Kaplan, Ihsan Kurt, Aslan Saraç and Beyhan Günyeli were arrested in Adana. Cengiz Tas, Menaf Avci and Yalçin Sevinc were arrested in Elazig. Salih Dinç was arrested in Batman and Rezzan Günes (female) was arrested in Mardin. The Special Rapporteur subsequently transmitted allegations received regarding the treatment of Fahri Ferda Çetin and Necmiye Aslanoğlu in his 15 September 1994 communication, summarized above (15 December 1993).

782. Yusuf Yilmaz, Ahmet Içli, journalists with the magazine *Devrimci Çözüm*, and their friends Feride Karadiş (female) and Leyla Akbaba (female) were taken into detention by police in Istanbul on 26 December 1993. The offices of the magazine were reportedly raided by police later that evening and on 29 December Ibrahim Özen, owner of the magazine, Seher Tufan, Musa Uyar, Ayse Aytaç, Ismet Ercan, Gülcan Güzel, Alisan Egim, and Haci Yalçin were allegedly also detained. A lawyer acting for the detainees was reportedly told by the Anti-Terror Branch of Istanbul police headquarters that they were holding three of them, but the police reportedly denied holding Yusuf Yilmaz and Ahmet Içli. The lawyer reportedly had not been permitted access to any of the detainees (11 January 1994).

783. On 24 March 1994 the Government replied that Feride Karadiş and Leyla Akbaba had been arrested on 26 December 1993. The two persons arrested

with them were not Yusuf Yilmaz and Ahmet Içli, but had been using false identity cards drawn on those names. They and the other named persons who were arrested were transferred to the Istanbul Prosecutor's Office on suspicion of activities in connection with the organization TKHP-C/DEV-SOL and Feride Karakaş, Halci Yalçin and Seher Tufan were released on 7 January 1994. It was established by a medical report on 7 January 1994 that none of these persons was subjected to torture or any other form of mistreatment.

784. Ahmet Aygûn was arrested in Istanbul on 19 January 1994 and the following morning was taken back home by plainclothes police officers who searched his house and took him away again. According to his mother, he was in a poor state of health and both of his arms appeared to have been broken. Since then he had reportedly been held in incommunicado detention, presumably at the Anti-Terror Branch of Istanbul police headquarters (26 January 1994).

785. On 26 May 1994 the Government replied that Ahmet Aygûn had been arrested on suspicion of belonging to the KAWA organization and was being held at Istanbul prison pending the conclusion of his trial. A medical report by the Istanbul Forensic Medicine Institute established that he was not subjected to any form of mistreatment during his detention.

786. The following persons were detained and held under emergency legislation after police carried out a raid on their houses during the night of 12 to 13 February 1994 in Diyarbakir: Metin Toprak, Democracy Party (DEP) candidate for Diyarbakir; Musa Özsat, DEP candidate for Yenisehir district; Nebahat Akkoç (female), DEP member and Diyarbakir branch president of the teachers' union "Egit-Sen" (23 Feruary 1994).

787. On 2 May 1994 the Government replied that the three detained persons had been arrested under the Criminal Code in connection with PKK links and had been released on 21 February 1994. Musa Özsat's arrest was confirmed by the court on 23 February 1994, but he had escaped. Medical reports showed that none of the persons had been mistreated during their detention. An investigation into the assassination of Zûbeyir Akkoç was under way.

788. Masallah Duygu and Metin Elçi were reportedly arrested while working in a bread factory in Mersin around 20 March 1994. Workers at the factory witnessed both men being severely beaten outside the premises before being taken away (25 March 1994).

789. The following persons, the last 12 of whom were under 18, were arrested on 17 April 1994 during a raid on the office of the magazine Alinteri (Toil) in Ankara by officers of the Anti-Terror Branch of the police:
Firdevs Kirbiyik (female) and Fatime Akalin (female), also members of the Health Workers' Union; Derya Tanrivermiş (female); Zafer Sakin; Cemile Derya Deveci (female); Yusuf Deveci; Nuri Akalin; Hûseyin Pur; Kiymet Pur (female); Zafer Kirbiyik; Emel Vergûl (female); Tuğba Sarihan; Hacer Tekin (female); Emrullah Şimşek; Ufuk Akçapinar; and Atilla Ateş. The Special Rapporteur subsequently transmitted further allegations regarding the treatment of these persons in his 15 September 1994 letter, summarized above (25 April 1994).

790. Hasan Demir, a lawyer from Istanbul, was arrested on 19 April 1994 and taken to Gayrettepe police headquarters. Other prisoners who were released from that place a few days later reportedly informed his family that he had been ill-treated (2 May 1994).

791. On 18 July 1994 the Government replied that Hasan Demir had been apprehended on suspicion of planning a bank robbery. His subsequent arrest on 3 May 1994 was ordered by the judicial instance before which he was brought and medical reports indicated that he was not subjected to any form of ill-treatment during his detention.

792. Yavuz Yilmaz, a lawyer, was arrested at his office in Istanbul on 29 April 1994 and taken to the police headquarters in Istanbul, where he was apparently held for one or two days before being transferred to police headquarters in Elazig, eastern Turkey, for interrogation (13 May 1994).

793. Sedat Aslantaş, a lawyer and Deputy Secretary-General of the Turkish Human Rights Association (THRA), was arrested by four plainclothes policemen and taken to the Anti-Terror Branch of Ankara police headquarters on 12 May 1994 (16 May 1994).

794. On 30 June 1994 the Government replied that Sedat Aslantaş was arrested pursuant to a warrant that had been issued on 17 September 1993 by the Diyarbakir State Court for failing to answer a summons from the Diyarbakir Prosecutor's Office. His trial was under way regarding membership in an illegal organization and there was no indication that he had been subjected to any form of mistreatment during his detention.

795. Sevtap Yokuş Veznedaroğlu, a student at the Faculty of Law in Dicle University in Diyarbakir and wife of Fevzi Veznedaroğlu, former President of the Diyarbakir Human Rights Association, was reportedly arrested on 4 July 1994 by members of the Anti-Terror Branch of the Diyarbakir police, at whose headquarters she was said to be undergoing interrogation (6 July 1994).

796. On 18 October 1994 the Government replied that Sevtap Yokuş Veznedaroğlu had been arrested on 15 July 1994 following interrogation at the Diyarbakir State Security Court and that a public trial of her case was under way at State Security Court No. 4. She was not subjected to torture or ill-treatment while she was in custody.

797. Recep Maraşli, Nurcan Balci (female), Nuran Çamli (female), Murat Satik, Bahriye Satik (female), Orhan Ateş, and Ergül Kiyak were among 11 persons detained during a police operation in Istanbul on 8 July and held in incommunicado detention, possibly in the Anti-Terror Branch of Istanbul police headquarters. Nurcan Balci was transferred from detention to Şişli Etfal hospital on 10 July, suffering from fractures of her left kneecap and the lower part of her spine, allegedly as the result of torture. Particular concerns were expressed for the condition of Recep Maraşli, publishing director of Komal Publishing House, who suffered from disturbances of vision and balance and general poor health and required constant medical attention and a special diet (12 July 1994).

798. On 20 July 1994 the Special Rapporteur transmitted another urgent appeal pursuant to new information received indicating that Recep Maraşli had been severely tortured at the Anti-Terror Branch of Istanbul police headquarters. He was allegedly blindfolded, given electric shocks and _falaqa_ (beating on the soles of the feet), and beaten continuously during his first two days in detention. It was further alleged that he had received no medical treatment in detention for his balance and coordination difficulties.

799. On 16 November 1994 the Government replied that on 21 July 1994 the relevant court had ordered the arrest of Recep Maraşli and Ergûl Kiyak and the release of Nurcan Balci, Nuran Çamli, Murat Satik, Bahriye Satik and Orhan Ateş. It was established by a medical report on 21 July 1994 that the suspects had not been subjected to torture or ill-treatment during their detention.

800. Mehmet Fida Alin, a former executive committee member of the Democracy Party (DEP) in the Seyhan district of Adana, was reportedly detained on 11 July 1994 in the Denizli neighbourhood of Adana by police officers. The men were reported to have taken him away in an unmarked car and his whereabouts were unknown (14 July 1994).

801. Selim Sadak and Sedat Yurtaş, both deputies and members of DEP, were reportedly detained at the Security Directorate in Ankara. The two men had allegedly undergone severe ill-treatment and were on a hunger strike (18 July 1994).

802. On 15 November 1994 the Government replied that Selim Sadak and Sedat Yertas had not been subjected to torture or ill-treatment during detention and that legal procedures were followed in their interrogation and detention.

803. Mehmet Tabak, his daughter Nebile Tabak, Hatun Temiz (female), Esmer Çirak (female), and Gulistan Büyükdere (female) were reportedly detained by gendarmes on 12 July 1994 in Hüseyinkent, Iğdir province. They were allegedly paraded in front of villagers, beaten and verbally abused before being taken away. They were being held in incommunicado detention at gendarmerie headquarters in Iğdir (20 July 1994).

804. On 1 November 1994 the Government replied that these persons had in fact been arrested on 13 July 1994, interrogated at the Iğdir Chief Prosecutor's Office, and on 18 July taken to the State Prosecutor's Office, and subsequently released. Medical reports and statements of the suspects themselves indicated that they had not been subjected to torture or ill-treatment at the time of their arrest, during their detention, or while they were being taken to the State Prosecutor's Office.

805. Cemil Timur, Zeydin Timur, Şevket Timur, Hasan Aykut, Fehim Yalçin, Saadi Özlû and Osman Özlû were reportedly detained in early July 1994 in the course of military evacuations of villages surrounding Evrek, near Beytuşşebab in Hakkari province. They were said to be held by the security forces in Evrek (25 July 1994).

806. Fahrettin Inal reportedly threw himself from the fifth floor of a building while being pursued by police on 16 July 1994 in the Ofis district of Diyarbakir. He was said to have been taken to Diyarbakir hospital by police. As a result of his fall, he suffered fractures of his ankles, legs and various other parts of his body, as well as damage to his spine. The police allegedly took him from the hospital the day after his admission, before he had received any medical treatment (25 July 1994).

807. Berivan Kutluay (female), Safyetin Tepe, Nevzat Bulut, and Mustafa Aladağ, journalists with the newspaper Özgür Ülke, were reportedly detained on 10 August 1994 at the newspaper's Ağri offices by plainclothes police officers of the Anti-Terror Branch (15 August 1994).

808. Ali Candan was reportedly detained at about midnight on 8 August 1994 during a raid by the security forces on his aunt's house in Izmir. He was said to have been later transferred to Diyarbakir (23 August 1994).

809. On 23 November 1994 the Government replied that Ali Candan was arrested on 11 July 1994 in Izmir and sent to Diyarbakir, where the Diyarbakir Security Court confirmed his arrest. He was being held in Diyarbakir prison. It was established by a medical report of 16 July 1994 and the defendant's own statement that he was not subjected to torture or ill-treatment.

810. Nadire Çelik, Şenay Hanoğlu, Medine Göyük and Ayla Özcan, all women, were among six persons reportedly detained on 7 September 1994 at the office of TIYAD (Association of Relatives of Political Prisoners) in Istanbul following a police raid of the premises. They were said to be held incommunicado at the Anti-Terror Branch of Istanbul police headquarters (13 September 1994).

811. On 21 November 1994 the Government replied that on 8 September 1994, following interrogation, the four women were ordered released. It was established that they were not subjected to torture or ill-treatment during their detention.

812. Musa Ulusoylu, an official of the public workers' union Tüm-Maliye-Sen, was reportedly detained in Ankara on 11 September 1994. The following day, the following persons were also arrested: Özer Akdemir, Mehmet Ali Gürel, Ayşenur Ilkiz (female), Devrim Osman Çelebioğlu, Müjdat Yilmaz, and Emine Öğün Yilmaz (female). The detainees were said to be held at the Anti-Terror Branch of Ankara police headquarters and were being interrogated for alleged membership of the illegal organization TDKP (Turkish Revolutionary Communist Party) (19 September 1994).

813. The following persons were reportedly detained on 27 September 1994 at the Ankara branch of the law firm Halkin Hukuk Burosu (People's Law Office): Murat Demir, member of the Ankara Bar; Ahmet Düzgün Yüksel, member of the Istanbul Bar; Fatma Yaman (female); and Gülcan Yağiz (female). They were believed to be held at the Anti-Terror Branch of Ankara police headquarters (30 September 1994).

814. On 24 November 1994 the Government stated that the above-named persons had been taken into custody at the Security Directorate and that their arrest

was ordered on 10 October 1994 by the State Security Court. It was established that the allegations concerning torture and ill-treatment put forward by the defendants were not true and that they were not subjected to torture and ill-treatment.

815. Ali Ekber Kaya, a civil servant with the Tunceli Human Rights Association, was reportedly detained at his home during the night of 22 September 1994 and was being held incommunicado at Tunceli police headquarters (30 September 1994).

816. The following persons, suspected supporters of the banned party PRK (Partiya Rizgariya Kurdistan), were reportedly arrested in a police operation beginning on 27 September 1994 and were being detained in Izmir: Kaya Mustakkaya, Metin Yavuz, Nevzat Sağniç, Gurbet Adibelli (female), Neslihan Göktepe (female), Songül Diribaş (female), Naciye Koç (female), Izzettin Koç, Zahide Kişanan (female), Mehmet Kişanan, Murat Satik, Siddik Satik, Kadir Satik, Ridvan Karatay, Ali Kemal Yildiz, Adil Aslan, Veysi Özbaltaci, Yaşar Yağci, Ahmet Öncü, and Riza Dinç. Information was also received concerning Bahri Menteş, who was reportedly detained on 23 September 1994 by two uniformed and one plainclothes policemen while leaving a mosque opposite the Fatih market-place in Istanbul. Although his family were informed by the Anti-Terror Branch that Bahri Menteş had been transferred to the Istanbul Maslak gendarmerie, the latter denied holding him. Further reports indicated that he may have been in the custody of the Bingöl district gendarmerie in south-east Turkey (5 October 1994).

817. Abdulkerim Bağdur was detained by police on 4 October 1994 while driving from the Şakirpaşa district to Adana city centre. He was brought to his parents' house at midnight, where his family were said to have observed that his clothes were torn, he was bleeding from the face and throat and he appeared exhausted and unable to stand. After searching his house, the police departed with Abdulkerim Bağdur in custody (7 October 1994).

818. Gürsel Şahin, Nezahat Özen (female), Metin Dağ and Vehbiye Tüzün (female), correspondents for the newspaper Özgür Ülke, were reportedly being held incommunicado at gendarmerie regimental headquarters in Diyarbakir. Gürsel Şahin, Nezahat Özen and Metin Dağ were said to have been detained following a police raid of the Özgür Ülke premises in Diyarbakir on 20 September 1994. Vehbiye Tüzün, who is the Urfa correspondent for Özgür Ülke, was detained at the bus terminal in Diyarbakir by police, who allegedly punched her and dragged her by the hair after she had protested her arrest (10 October 1994).

819. Emran Emekci, a lawyer and member of the Management Committee of the Izmir branch of the Turkish Human Rights Association, was reportedly arrested by members of the security forces during a break in the trial he was attending at Ankara State Security Court on 7 October 1994 (13 October 1994).

820. On 14 December 1994 the Government replied that Emran Emekci had been ordered arrested by the judicial authorities on 27 October 1994 and was being held in Bingol prison. It was established by medical reports that he had not been subjected to torture or ill-treatment during his detention.

821. The following persons were reportedly arrested by plainclothes police on 13 October 1994: Emrullah Cin, Mustafa Asiğ, and Suzan Işbilen (female), members of the teachers' union Eğit-Sen; and Pervin Işbilen (female), a student teacher. They were said to be held in unacknowledged and incommunicado detention at Diyarbakir police headquarters (18 October 1994).

822. A number of prisoners at Diyarbakir prison were reportedly on hunger strike and were refusing to attend court hearings following the alleged severe beatings in the waiting-rooms and corridors of the court of about 30 defendants on 13 September 1994. Prison warders reportedly attempted forcibly to remove a prisoner for police interrogation on 4 October 1994 after fellow prisoners had prevented him from going for fear he would be tortured. A large group of policemen, soldiers and warders, prevented from opening the iron door of dormitory 27 by prisoners blocking the door with mattresses, blankets and clothes, allegedly opened up holes in the ceiling and walls with explosives and threw tear-gas bombs into the dormitory. As a result, the mattresses, blankets and clothes caught fire, and one prisoner, Ramazan Özüak, was said to have died from the burns he suffered. The other inmates were forced to break down an iron door leading to dormitory 18, whereupon the security forces reportedly attacked and removed each of the inmates, many of whom were faint or almost unconscious from the effect of the smoke. More than 300 prisoners were allegedly dragged along the corridors between two lines of security force members, who allegedly beat them with truncheons, iron bars, chains and clubs. While some seriously injured prisoners were then taken to hospital, the majority were allegedly beaten as they waited in the corridors and prison yard with their hands tied behind their backs. Early the next morning they were reportedly taken on a journey of six or seven hours in vans to Gaziantep without stopping or being given water and they continued to be beaten on the journey. They were placed in Gaziantep prison where they allegedly received beatings during their first two days of detention. Relatives who visited the prisoners reported that many suffered from a variety of injuries, such as broken arms, shrapnel wounds from bombs and bullets, and some were ill. It was alleged that injured prisoners had not seen a doctor nor been given any medical treatment (24 October 1994).

823. On 24 November 1994 the Government replied that relevant authorities had been trying to comply with an order of the Chief Public Prosecutor of the Diyarbakir Security Court that a prisoner appear at his office. Contrary to allegations, the fire in the prison ward was caused by the inmates themselves by burning mattresses, blankets and clothes in the inner courtyard of the prison and their resistance was thus transformed into a violent mutiny against the prison administration. The prison officials were also faced with an armed attack of prisoners who had made weapons. Judicial and administrative inquiries into the incident were under way.

824. Aheste Akbilek, a representative for Tüm Sağlik Sen (Health Workers Union), was reportedly arrested on 21 November 1994 during a raid on her home in Ankara by police from the Anti-Terror Branch of Ankara security headquarters (24 November 1994).

825. The following were among 30 persons reportedly arrested on 24 November 1994 by officers of the Anti-Terror Branch of Istanbul police headquarters during raids of the offices of four magazines: Ilker Alcan,

Bülent Bağci, Ufuk Doğbay, Savaş Karakurum, Tarik Tolunay, Selda Özcan (female), Hatice Akdoğan (female), and Murat Kuyumcu of Mücadele magazine; Mehmet Akdemir, Kudret Sangül (female), and Veli Canik of Yoskul Halkin Gücü magazine; Yemliha Kaya and Metin Yildiz of Işçi Hareketi magazine; Sabahat Varol (female), Serap Topçu (female), Filiz Kaplansüren (female), Erdal Kaplansüren, Havva Suiçmez (female), Bülent Karataş, Hayat Fayli, of Devrimci Gençlik magazine. They were said to be held in incommunicado detention at Istanbul police headquarters (28 November 1994).

Observations

826. The Special Rapporteur remains concerned that the provisions for prolonged incommunicado detention, especially those applicable in the emergency zones, remain in force despite repeated recommendations that they be removed. He believes that they provide a fertile context for the infliction of torture of detainees which continues to be systematic, the perpetrators acting with virtual impunity. While grateful for the replies he has received, he finds most of them contain unsubstantiated flat denials that evince a willingness to accept the version of events of the authorities or certain medical personnel, which patently lack credibility. Sadly, most such replies risk being taken as a signal by those responsible for the torture of the Government's willingness to protect them and to have them continue the practice.

Turkmenistan

Information transmitted to the Government

827. By letter dated 21 July 1994 the Special Rapporteur transmitted the cases to the Government summarized in the following paragraphs.

828. Karadzha Karadzhayev, an opposition activist, was arrested in Ashgabat on 26 October 1992 and taken to the police station, where he was severely beaten. He was released without charge the following morning. He was arrested again on 12 August 1993, allegedly for politically motivated reasons, and was said to be held in investigation-isolation prison No. 1 in Ashgabat.

829. Mukhammedmurad Salamatov, an opposition activist, was reportedly assaulted on 3 October 1992 by two government agents working for the Ministry of Internal Affairs or the State Security Committee, who beat him severely. He reportedly complained to police about the incident, but no investigation was said to have taken place.

830. Rufina Arabova went to see the Deputy Minister of Internal Affairs on 15 March 1993 to make a complaint against militia officers. The Deputy Minister allegedly told her that she was mentally ill and called militia officers into the office who then took her to the militia station. At the station, she was allegedly beaten by a militia officer, resulting in bruises on her legs, a cut on her side and a split lip.

Uzbekistan

Urgent appeals

831. On 2 May 1994 the Special Rapporteur transmitted an urgent appeal on behalf of Pulat Akhunov, a Deputy Chairman of the opposition Birlik (Unity) Movement, who was serving a sentence on allegedly fabricated criminal charges. In September 1993 he was sent to a corrective labour colony in Kyzyltepinsky district, Navoi region, where he was allegedly beaten regularly. As a result of the beatings his state of health was said to have deteriorated considerably. It was also reported that in February or March 1994 he was held in a punishment cell for 10 days, allegedly for hitting someone, and subsequently his family was informed that he had been transferred from the punishment cell to solitary confinement for a period of two months.

Venezuela

Information transmitted to the Government and replies received

832. By letter dated 29 March 1994 the Special Rapporteur advised the Government that he had received information indicating that torture was carried out frequently, despite the existence of provisions to prevent and punish the practice. Torture was said to be employed to intimidate detainees and obtain confessions. The most commonly used methods reported were beatings, including by striking both ears simultaneously with the palms of the hands or with the truncheons used by the police and prison guards known as "peinillas"; near suffocation by placing over the head a plastic bag sometimes containing substances such as ammonia, insecticide or detergent; the immersion of the head into often dirty water; application of electric shocks and hanging by the wrists for long periods.

833. Torture was said to be practised by the Metropolitan Police (PM), the State Police and the Directorate of Intelligence and Prevention Services (DTSIP), as well as by the criminal investigations police (PTJ), who play a major role during the pre-trial phase of proceedings. The National Guard (GN), which forms part of the army and is authorized to conduct investigations in certain areas, were also alleged to use torture. The Military Intelligence Directorate (DIM) and the Army Intelligence Directorate (DIE) were alleged to have been responsible for the torture inflicted upon the persons arrested during the military uprisings of February and November 1992.

834. Police may keep a person in detention for a week before bringing him or her before a judge, during which time they may gather evidence, including confessions, which carry great weight in the courts. This circumstance was said to facilitate torture. Some defendants were said to have been sentenced solely on the basis of such confessions, even when complaints were made that the confessions had been obtained under torture. Also, the constitutional precepts that prohibit incommunicado detention were said frequently to be violated. Many detainees, including minors, were allegedly held for several days without access to their families or to representatives of the Attorney-General's Office (Fiscalía General de la República), the institution

responsible for guaranteeing the rights of citizens. Furthermore, in some cases relatives were told that the persons were not in detention or had been moved to another detention centre.

835. According to the information received, the courts do not investigate torture complaints properly, very few such complaints result in punishment and the few sentences imposed have been very light. Judicial proceedings applicable in cases of violations of human rights by members of the security forces are reportedly ineffective, in part because of extensive delays in the información de nudo hecho procedure. This procedure allows an investigation to be conducted by a judge and the PTJ, usually at the request of the prosecutor, in cases of alleged human rights violations by members of the police or the armed forces. The procedure is in fact perceived as a mechanism of impunity which systematically slows down and often obstructs the criminal investigation. The Institute of Forensic Medicine, members of whom are repeatedly cited in reports of torture, is part of the PTJ and its experts allegedly sometimes fail to certify the presence of injuries or other indications which may incriminate the police. Furthermore, there are reportedly few independent forensic physicians in the country in a position to challenge the official reports of the Institute or who could carry out impartial examinations in cases of violations of human rights. Finally, the appeals in cases of torture or other violations of human rights which come under military jurisdiction were said to be hampered by the practice of the military authorities of denying the representatives of the Fiscalía access to the detainees.

836. Police were said frequently to carry out raids in the poor districts of the cities with high crime rates and to detain groups of young people in the streets, without a court order, under the Law of Vagrants and Crooks. This type of detention is administrative and there is no possibility of control by the judicial bodies. Although in practice such detentions usually lasted only one day or less, they were said to be the occasion of much physical abuse such as beatings, electric shocks and death threats.

837. Conditions in the prisons were reportedly extremely harsh, due in part to overcrowding, the use of solitary confinement cells, the low quality of the food, the poor state of the sanitary facilities and the lack of medical care. Such conditions have led to protests by the prisoners to which the security forces were alleged to have reacted violently. Guards allegedly often resorted to beating the prisoners severely for minor breaches of prison discipline.

838. The Special Rapporteur also transmitted to the Government the cases summarized in the following paragraphs.

839. Miguel Angel Delgado Méndez, an official in the Ministry of Defence in Caracas, was arrested on 15 April 1992 by members of the PM, who accused him of being a deserter. He was allegedly beaten repeatedly during his transport to a national guard station and at the station was allegedly sprayed with a caustic substance which produced serious burns on various parts of his body, including his right eye. Some hours later he was released without charges. Complaints were lodged, but the persons responsible were not prosecuted.

840. Ivo Rodríguez Escudero was arrested on 26 November 1992 in Valencia by members of the police of the State of Carabobo and accused of taking part in a demonstration. During three days' detention at the DISIP he was allegedly beaten, hung by the wrists for long periods, threatened with electric shocks and death, deprived of food, and denied medical care. On 30 November, he was taken to the DISIP in Caracas and was released on 13 January on condition of his signing a document attesting that he had been released in perfect health. He was allegedly threatened with death by members of DISIP if he continued to complain about his torture.

841. With respect to this case, the Government reported on 3 October 1994 that at the request of representatives of the Public Ministry a medical examination had been carried out, revealing that Mr. Rodríguez' injuries were slight. On 10 December 1993 he filed a complaint with the Public Ministry for the torture suffered while detained in Valencia.

842. Miguel Antonio Bervis, a member of the charitable organization Juventud Venezolana de Acción Sana, was arrested on 28 November 1992 at his home in Ciudad Bolívar by members of DIM. At the barracks of the fifth military district, he remained incommunicado for five days, during which time he was allegedly severely beaten, nearly suffocated, and threatened with the detention and torture of his wife and children. He was subsequently released without charge. A medical examination revealed that he had suffered six fractured ribs, several bruises and had difficulty in moving his limbs. On 15 January 1993, he lodged a complaint with the Office of the Attorney-General, but the persons who carried out the torture were not charged.

843. Fernando Benítez was arrested without a court order in Caracas on 29 May 1993 by two persons who identified themselves as members of the security forces. He was placed in a vehicle, allegedly beaten unconscious and upon regaining consciousness was again severely beaten. His head was pushed into water with excreta and he was deprived of food and threatened with death. Before being released two days after his arrest, he was allegedly threatened not to report the incident. He was said to have suffered multiple bruises, an injury to the left eye and a fractured jaw as a result of his treatment. In early June he lodged a complaint with the Office of the Attorney-General, but no charges had been brought.

844. Freddy Miguel Franquis Aguilar, a community activist in the La Laguna district of Caracas, was arrested by members of PM on 25 February 1992, reportedly because he had protested upon observing the police beating two residents of the district. One week later, his family found his body at the hospital morgue. According to the medical report, Mr. Franquis had been burned with cigarettes and severely beaten before being shot at point-blank range. Three members of PM were reportedly suspended from their duties while an investigation was being conducted.

845. On 3 October 1994 the Government informed the Special Rapporteur that three policemen had been dismissed for their responsibility in the death of Mr. Franquis. A penal investigation was under way.

846. Elio Pereira Flores was arrested in Caracas on 19 January 1993 with his three-year-old son by members of PTJ. The child was allegedly beaten and released shortly afterwards, but Elio Pereira was interrogated and allegedly tortured by beating and electric shocks. Before his release without charge that same day, he was threatened with death if he reported the incident. Despite the threat, he lodged an appeal with the Office of the Prosecutor.

847. On 3 October 1994 the Government informed the Special Rapporteur that at the request of the Public Ministry a medical examination had been carried out, revealing that the injuries sustained by Mr. Pereira and his son were slight. A penal investigation against seven members of PTJ was being conducted.

848. Juan Rodriguez Navarrete, Oswaldo Alvarado and Mario Guarimata Rodriguez, former members of PM of the State of Anzoategui, were arrested without a court order on 4 February 1993 by members of GN in the city of Barcelona. While undergoing interrogation at GN premises, they were allegedly beaten severely and threatened with death. They were subsequently released without charge.

849. Maximo Puerta Ollarves, a member of the Zulia police, was arrested on 1 May 1993 by members of DISIP on charges of theft and was allegedly tortured at the DISIP premises in Maracaibo. He was released some days later without charges, but he had to spend several days in hospital as a result of the injuries he had sustained. On 14 July 1993, the State prosecutor began a preliminary investigation of the case.

850. On 3 October 1994 the Government informed the Special Rapporteur that the Public Ministry had ordered a medical examination, which revealed the existence of serious injuries. A penal investigation against two members of DISIP was being conducted.

851. John Antonio Paez, from the city of Maracay, Aragua State, was arrested on 22 January 1993 by members of PM under the Law of Vagrants and Crooks. He had reportedly been arrested previously on several occasions and subjected each time to torture such as electric shocks, beating and death threats.

852. Edgar Rafael Suarez Hermoso, from Maracay, was arrested on 9 December 1992 and taken to the El Alayón prison under the Law of Vagrants and Crooks. He had previously been detained on various occasions in the El Dorado prison, where he was allegedly subjected to such forms of torture as near suffocation and beating with truncheons, sticks and rifle butts. In January 1992, he reportedly lost an eye when he was kicked by a guard.

Urgent appeals

853. On 24 August 1994 the Special Rapporteur sent an urgent appeal on behalf of José Manuel Flores, a teacher and community organizer, José Gregorio Guédez, Rubén Sánchez and José Luis Sánchez. These persons were reportedly detained on 17 August 1994 by members of the state police in Guacara, Carabojo, for transporting weapons and belonging to the armed opposition group Bandera Roja. They were transferred to Caracas where they were being held incommunicado by DIM.

854. On 11 November 1994 the Government informed the Special Rapporteur that a representative of the Public Ministry had met with the detainees on 24 August 1994 and that they declared that they had not been tortured.

855. The Special Rapporteur transmitted another urgent appeal on 16 September 1994 on behalf of Gabriel Rivas Granadillo, a leader of La Chivera peasants' union, who was arrested without a warrant on 2 July 1994 by members of the police of Valencia, Carabobo. He was sentenced to administrative detention of one year under the Law of Vagrants and Crooks and was being held in a police station annex in Valencia, where detainees are allegedly often tortured or ill-treated.

Follow-up to cases previously transmitted

856. On 3 October 1994 the Government replied to the cases referred to in the following paragraphs, which were transmitted by the Special Rapporteur in August 1992.

857. Daniel Alvarado Alarcón, Julio Enrique Andrade, Enrique Barroso Hernández, Luis Alberto Caballero, Héctor Chacón Duque, José Gregorio Escalona Delgado, Lisandro Pérez Hernández, Orlando Ramírez Paez, José Angel Rodríguez, Julio Rojas Avila, Jhonattan Toro Marval, Carlos Alejandro Valeiro and Mark Zuchelli, all students, were arrested on 23 January 1992 in Caracas and allegedly tortured. The Government informed the Special Rapporteur that medical examinations had revealed the existence of slight injuries. As a result, the Public Ministry opened a preliminary investigation and brought formal charges against several members of the police.

858. Pablo José Rondón Hernández and Brezne Manzano Rodríguez were arrested on 21 October 1991 in Caracas and allegedly tortured by PM. The Government informed the Special Rapporteur that a preliminary investigation against members of PM not yet identified was under way.

859. Carlos Bernardino Carballo Morales and others were arrested on 18 October 1991 in La Vega, Caracas, and allegedly tortured by members of GN. The Government informed the Special Rapporteur that the Public Ministry had initiated a preliminary investigation on 31 October 1991 which was still under way.

860. Igor Luengo was arrested on 21 October 1991 in Caracas by PM and allegedly tortured. The Government informed the Special Rapporteur that, in order to initiate an investigation, the Public Ministry had requested that a medical examination be carried out. Mr. Luengo, however, never appeared before the Institute of Forensic Medicine for this purpose. Therefore, it was not possible to pursue the case.

861. José Blondell was arrested on 9 March 1992 and allegedly tortured at El Llanito police station, Petare. The Government informed the Special Rapporteur that the steps taken by the Public Ministry to locate this person had been unsuccessful and, therefore, it had not been possible to open an investigation.

862. José Fermín Díaz Macarri was allegedly tortured on 25 January 1992 at El Llanito and El Cochecito police stations, Petare. The Government informed the Special Rapporteur that this person did not appear before the Institute of Forensic Medicine to be examined. It was therefore not possible for the Public Ministry to open an investigation.

863. Rommer Figueroa Lizardi died on 29 May 1992, allegedly after being severely beaten by members of GN in Ciudad Guayana, Bolívar. The Government informed the Special Rapporteur that immediately after the incidents in which Mr. Figueroa died the Public Ministry opened an investigation which continued until 13 April 1993. On that date the Supreme Court decided that the case should be dealt with by the military court of Maturín. On 15 July 1994 the investigation was filed on the basis of article 329 of the military justice code.

864. Antonio Castillo Gómez was allegedly subjected to torture in January 1992 in Caracas by members of the police. On 9 December 1994 the Government informed the Special Rapporteur that Mr. Castillo had communicated to the Public Ministry his decision to withdraw the complaint.

Observations

865. Seriously concerned by the nature and persistence of allegations of the sort described above and the virtually interminable nature of any investigations undertaken, the Special Rapporteur has sought and received an invitation to visit the country. The mission is planned for early 1995.

Viet Nam

Urgent appeals sent and replies received

866. The Special Rapporteur made three urgent appeals on behalf of the persons mentioned in the following paragraphs. The dates on which the appeals were transmitted appear in brackets at the end of the corresponding summaries.

867. The Venerables Thich Tri Tuu, Thich Hai Tang, Thich Hai Thinh and Thich Hai Chanh, members of the Unified Buddhist Church of Viet Nam, were being detained in the Nam Ha re-education camp (also known as Ba Sao) in Phu Ly district, Nam Ha province, in the north of Viet Nam. All of these monks were allegedly subjected to severe ill-treatment. The Venerable Hai Tang suffered from chronic migraines and no medical treatment had allegedly been provided to him. Since April 1994 the monks were said to be on a hunger strike (18 May 1994).

868. On 15 November 1994 the Government replied that these persons had always been treated humanely, they were in normal health and no one among them had ever staged a hunger strike.

869. Doan Viet Hoat, who was serving a 15-year sentence for publishing a clandestine magazine and whose detention was determined to be arbitrary by the Working Group on Arbitrary Detention (Decision No. 15/1993), was reportedly transferred from a prison in the province of Phu Yen to Ba Sao prison in the Nam Ha province in February. On 25 April he was again transferred to

Thanh Cam prison, in the north of Thanh Hoa, about 1,000 kilometres from Ho Chi Minh City where his family resides. Doan Viet Hoat reportedly suffered from a serious kidney condition and his family had great difficulty in providing him with medicine. He had allegedly been punished for his refusal to perform hard labour due to the state of his health (26 May 1994).

870. On 30 August 1994 the Government replied that since his imprisonment in November 1990 Doan Viet Hoat had always been treated humanely and had never been subjected to any form of hard labour. His wife and children sent him a parcel on 2 May 1994 and he had sent letters home. His state of health was normal and he had been given adequate medical attention. The transfer of detainees from one camp to another was normal and in full accordance with the law.

871. The Special Rapporteur informed the source of the reply of the Government regarding Doan Viet Hoat and the source indicated that concerns remained that he was held in a prison situated far from his family where nutrition was poor and health care inadequate. His family were restricted in their ability to provide necessary medicines due to the distance and visits were permitted only once a month.

872. The Venerable Thich Hanh Duc, serving a sentence at the Phuoc Co prison in Ba Ria, reportedly began a hunger strike 7 July 1994 to protest against the cancellation of a new trial with regard to his case. He reportedly was determined to continue with his hunger strike until death. He had allegedly been placed in isolation with his hands and feet in chains and fears were expressed that his life was in jeopardy (15 July 1994).

873. On 15 November the Government replied that Thich Hanh Duc had always been treated humanely, that his health was normal and that he had never staged a hunger strike.

Yemen

Urgent appeals

874. On 22 July 1994 the Special Rapporteur transmitted an urgent appeal to the Government on behalf of Dr. Muhammad al-Mikhlafi, researcher at the Yemeni Centre for Research and Studies; Nu'man Qa'id Sayf, journalist at al-Tajamu' newspaper; 'Izzadin Sa'eed Ahmad, journalist and Vice-President of the Writers' Union in Taiz; 'Abdullah Sa'd, journalist at al-Shura newspaper; 'Abdul-Rahmam Sayf Ismail, journalist and local government employee. These persons were arrested between 17 and 18 July 1994 by al-Amn al-Siyassi (political security) following a seminar organized by The Yemen Times on "The Future Political Perspectives of Yemen". They were reportedly being held incommunicado and in solitary confinement at al-Amin al-Siyassi detention centre in the district of al-Safia, in Sana'a. Others persons arrested with them were allegedly tortured.

Yugoslavia

Information transmitted to the Government

875. By letter dated 21 July 1994 the Special Rapporteur informed the Government that he had received reports indicating that ethnic Albanians living in the province of Kosovo were vulnerable to beatings and torture by the police and the State Security Service (SDB). Victims of ill-treatment were frequently said to be political activists, persons formerly imprisoned for political reasons, and school and university staff. Members of the extended families of those targeted were also said to be at risk of ill-treatment.

876. Detainees were allegedly frequently held beyond the statutory period of three days before being brought before an investigating judge, and it was during this period that the worst ill-treatment was reported to occur. Torture allegedly was employed to extract self-incriminating statements from detainees and many criminal defendants were said to be convicted solely on the basis of statements made during investigation proceedings. Detainees allegedly were often threatened with further ill-treatment should they seek to change the statements extracted under torture when brought before an investigating judge.

877. Prison medical records and examinations carried out by the Institute of Forensic Medicine of Priština University Medical Faculty in some cases have reportedly confirmed injuries consistent with allegations of ill-treatment. It was alleged, however, that requests for medical/forensic examinations were often ignored or delayed until injuries had largely healed.

878. The Special Rapporteur also transmitted to the Government the cases summarized in the following paragraphs.

879. Behajdin Hallaqi, Hysen Gegaj, Binak Berisha, members of the Democratic League of Kosovo (LDK), as well as Shefki Muçaj and Ilijaz Kadolli, were reportedly arrested in early August 1993 and charged with joining the secessionist National Movement for Kosovo Republic (NMRK). They were allegedly ill-treated in custody and statements forming the basis of the indictments against them were allegedly extorted from Binak Berisha by force. Examinations by prison doctors on Behajdin Hallaqi, Ilijaz Kadolli and Hysen Gegaj conducted three days after their arrest reportedly revealed marks of bruising. Examinations of Binak Berish and Shefki Muçaj conducted respectively 9 and 11 days after their arrest failed to reveal the presence of injuries. The five were reportedly convicted on 11 November 1993 almost exclusively on the basis of statements made during detention and they were subsequently sentenced to two to three-and-a-half years' imprisonment.

880. Ukë Bytyçi, President of the Suva Reka branch of the LDK, was reportedly arrested on 7 October 1993 and charged with participating in paramilitary secessionist activities. He was allegedly subjected to beatings for two days, during which time he was deprived of food, drink and sleep. At one point during his interrogation, he was allegedly tied to a radiator and handcuffed behind his back while 10 inspectors took turns beating his feet, hands and legs. The interrogators also reportedly threatened to take him across the

Albanian border and shoot him. The ill-treatment was said to have prompted him to sign a confession. It was alleged that those coerced statements formed the nearly exclusive basis for his conviction on 10 December 1993 by the District Court of Prizren, upon which he was sentenced to five years' imprisonment.

881. Fisnik Cukaj, a former President of Priština University Independent Students Union, Sadri Shala, aged 64, and his son Ymer Shala were arrested in early September 1993 on charges of belonging to the NMRK. Ali Lajçi, a former prisoner and deputy of the unofficial Kosovo Republic Parliament was also reportedly arrested in early September 1993 on charges of failing to report a crime. The four men were allegedly tortured following arrest, resulting in their signing coerced statements. Prison medical records concerning the men were said to be consistent with allegations of torture. On 1 February the four defendants were reportedly convicted and sentenced to between eight months and four years' imprisonment.

882. Between 27 July and 9 August 1993, 19 persons were reportedly arrested for alleged Kosovan secessionist activities. They were identified as: Xhavit Haziri; Ismet Mahmuti; Hajredin Hyseni; Faik Ajeti; Raif Qela (Çela); Salih Mustafa; Salih Salihu; Nehat Selimi; Ramadan Pllana; Islam Mulaku; Ajet Berisha; Bajrush Xhemajli; Sanie Aliu (female); Ramize Abdullahu (female); Shemsi Veseli; Rexhep Avdiu; Skender Hajdari; Hamit Zeqiri; and Ahmet Haxhiu. Most of those arrested were allegedly coerced by police and SDB officers through physical force to make incriminating statements and were threatened with further ill-treatment should they deviate from those statements before the investigating judge.

883. Xhavit Haziri was allegedly subjected to continuous beatings by SDB officers from 2-6 August 1993 and was said to have removed his clothes before the investigating judge on 7 August to reveal bruises of various colours on his back, arms and legs. He was not medically examined until nine days after informing the judge of his ill-treatment and during the intervening time he was allegedly further mistreated, including being tortured on 16 August with an electric baton. He reportedly told the court at trial proceedings on 4 February 1994 that SDB officers had threatened that they would "liquidate" his wife and two children if he made a statement to the investigating judge differing from the one allegedly extorted from him through torture.

884. Ismet Mahmuti and Faik Ajeti were allegedly tortured for six days from their arrest on 3 August until their appearance before an investigating judge on 9 August. The investigating judge reportedly failed to send them for a medical examination and no examination was conducted until 20 August, the day after a submission requesting the examination was filed by their lawyer. The result of the examination was unknown.

885. Raif Qela, was allegedly beaten by the police and SDB officers, given various injections and electric shocks and threatened with death during the course of interrogation sessions. He was said to have been in poor physical and mental condition as a result of his ordeal. The Institute of Forensic Medicine of the Medical Faculty of Priština University reportedly confirmed his injuries.

886. Salih Salihu allegedly was hit repeatedly all over his body with fists and an electric baton by police following his arrest. He was reportedly in poor health as a result of the torture and was said to have difficulty in walking into the courtroom at his trial in December.

887. Ahmet Haxhiu, aged 61 and reportedly ill at the time of his arrest, was allegedly subjected to four days of repeated physical abuse and tried to commit suicide with wire he had unwrapped from a broom. He was reportedly released from Belgrade central prison in October 1993, and because of ill-health was to have been tried separately from the other defendants.

888. On 27 February 1994 the District Court of Priština reportedly convicted 17 of the defendants. Ahmet Haxhiu was to be tried separately and charges were withdrawn against Rexhep Avdiu.

889. The following persons were arrested on 16 and 17 September 1993 on charges of preparing an armed rebellion: Agim Krasniqi, President of Branch III of the LDK in Priština and former Yugoslav army officer; Bilall Syla, a former Yugoslav army officer; Ibush Kelmendi; Halit Rama; Xhelil Rama and Fazli Maloku. They were allegedly tortured during interrogation and some were said to have been unable to walk after interrogation. Billal Syla's alleged torture by SDB officers was said to have resulted in injuries to the soles of his feet, hands, mouth, and loss of hearing in his left ear.

890. Adem Salihaj, President of the Uroševac branch of the LDK, and Sulejman Hasani were arrested in September 1993 and were allegedly tortured by police. On 26 September, Adem Salihaj reportedly informed the investigating judge of his torture and requested a medical examination. He was allegedly then tortured again by police on 5, 6 and 12 October. Sulejman Hasani filed a complaint with the Supreme Court of Serbia on 12 October, alleging torture and injury by the police.

891. The Special Rapporteur also advised the Government that he had received reports according to which violence by the police was frequently inflicted upon ethnic Albanians in Kosovo during the course of searches for weapons in their homes. When such searches were conducted, police allegedly routinely directed verbal abuse towards and severely beat males in the presence of their families. In some instances, the abuse was also allegedly directed against the women, children and the elderly.

892. It was reported that since the police forces were placed under the supervision of the Serbian Government in April 1990, most of the ethnic Albanian police officers had resigned or been dismissed, many for refusing to recognize the Serbian authority. It was also alleged that the almost entirely Serbian police force singled out persons of the majority ethnic Albanian population for ill-treatment. In this regard, an aim of the police was alleged to be to intimidate ethnic Albanians into leaving Kosovo.

893. The Special Rapporteur transmitted the following individual cases to the Government.

894. Rexhep Mehmeti and his son Shemsedin Mehmeti were reportedly ill-treated on 24 February 1994 during a search of their home in Vučitrn, whereafter they were allegedly taken to the police station and beaten severely for two hours.

895. On 21 February 1994 police reportedly came to look for arms at the home in Klina commune of a leader of an LDK branch in Resnik village. He was not at home, but the police allegedly severely beat his brother, Haki Havolli.

896. On 23 February 1994, police reportedly arrested Ndue Gajamni and his father Mëhill Gojani, and beat them severely at the police station in Klina.

897. On 22 February 1994 at about 5 a.m. police in Duraj village, Kačanik commune, reportedly raided the family home of Ilaz Salihaj, aged 74, and severely beat him.

898. On 23 February 1994 about 40 police officers reportedly searched the home of Shemsi Gashi in Priština, whereupon they allegedly severely beat him as well as his two sons, Adem and Sylejman Gashi, and two guests, Sherif and Nazmi Gicolli. The four were then arrested and the abuse reportedly continued at the police station.

899. On 23 February 1994 at about 6 a.m. police reportedly searched the home of Shefqet Zogiani in the village of Halilaq near Kosovo Polje and severely beat him and his two sons, Naim and Nexhat Zogiani.

900. On 17 January 1994 police reportedly searched the home of an LDK activist in Miraš village. When they failed to find him they allegedly arrested his brother, Shpejtim Hashani, aged 17, and beat him for not surrendering a weapon on behalf of his brother.

901. Bekim Gashi, aged 17, was reportedly beaten by police in Čabic, Klina, on 22 January 1994, allegedly because he refused to tell them the whereabouts of his father.

902. Nuhi Krasniqi, aged 15, was reportedly arrested by police at the home of his brother in Mališevo on 27 January 1994, whereafter he was allegedly brought to an area near Ljubižde and beaten.

903. Labinot Hoti, aged 10, was reportedly beaten and had a knife held to his throat by police during the search of the home of his father in Jošanica, Klina.

904. Xhemila Ademaj was allegedly beaten by police on 2 February 1994 after they came to the family house in Petrovo village, Štimlje, in search of her brother.

905. On 15 February 1994, police reportedly searched a home in the village of Bečuk, Vučitrn, and in the course of the search beat Dinorja Miftari, her daughter, Shehribanja and Isa Miftari, aged 67.

906. On 9 February 1994 Tafil Brahimaj, director of a primary school in Kraljane village near Djakovica, was reportedly arrested by police. He was interrogated by SDB officers in Djakovica, and when he denied possessing a

gun, the officers allegedly forced him to sit on a heated stove, as a result of which he was burned. He was released and ordered to report back in 10 days. He reportedly had to seek medical attention for his injuries.

907. Behxet Jashari Bexheti, a primary school teacher in Obilic, was reportedly arrested on 27 February 1994 by three policeman in Strovce. He was taken to the police station in Vučitrn where he was allegedly severely beaten, causing him to lose consciousness several times.

908. Lavdim Dukaj and Vehbi Mulaj, schoolchildren, were reportedly stopped by police on their way to school near the village of Graboc on 11 March 1994. They were allegedly beaten after being questioned about where their classes were being held.

909. Sami Kurteshi, a member of the Council for the Defence of Human Rights and Freedom, was reportedly beaten in the presence of colleagues on the Council's premises in Priština by police and beaten again at the police station. A medical certificate issued on 8 July reportedly records multiple bruising consistent with his allegation of beating.

910. Adem Zeqiraj was reportedly arrested on 17 December 1992 during a search conducted by police at his father's house in Brovina village. He was allegedly beaten in custody in a police station in Ponoshevac. The beating was said to have caused serious kidney damage, resulting in his death at Priština hospital on 19 December.

911. Ali Shala was reportedly stopped by three apparently intoxicated police officers in the streets of Kosovska Mitrovica on 18 March 1994. After telling the officers he did not recognize "the Serbian police State", he was allegedly beaten, resulting in injuries to his left ear.

912. Besnik Maloku, aged 12, was reportedly beaten by police on 22 March 1994 in Priština, allegedly because he was unable or unwilling to reply to them in Serbian.

913. Armed police and Serbian civilians, possibly plainclothes police, reportedly entered the Institute of Albanian Studies in Priština on 8 March 1994 and beat up those inside, after ethnic Albanians working in the building had ignored orders that the Institute be closed and evacuated. The following persons were among those allegedly beaten and injured: Sadri Fetiu, the Director, receiving injuries to his head, face, nose, jaw and having three teeth broken; Ragip Mulaku, receiving injuries to his head, face, a rib, and a fractured left hand; Professor Anton Çetta, receiving injuries to his head, left hand and spine; Mehmet Halimi, receiving injuries to his head, face, a leg and a rib; Hajdin Hajdini, receiving injuries to his face, head and both legs; Xheladin Shala, receiving injuries to his body and head. Abdyl Kadolli, Secretary of the Forum of Intellectuals of Kosovo, was among those outside of the building who were reportedly beaten. He was allegedly forced into a car by two persons in civilian dress, beaten and driven to a spot five kilometres outside of the town before being released in the late hours of the evening.

914. About 40 persons were arrested and allegedly ill-treated on 31 January 1994, following a concert in Uroševac held to commemorate

Albanian nationalist leaders who had died. The organizers and the audience had among them former prisoners and human rights activists, including Chairmen or members of local LDK branches in Gnjilane, Uroševac, Štrpce, Kačanik, and Kamenica. After these persons were arrested, they were allegedly beaten with fists and rubber truncheons by police and SDB officers. Those arrested and beaten reportedly included: Bedri Abdyli; Nuhi Ahmeti; Lumnie Azemi; Nijazi Beqa; Sylejman Bytyçi; Abdullah Dërguti; Valbonë Dermaku (female); Hyrë Emini (female); Skënder Ferizi; Xhavit Gashi; Hamdi Haliti; Emin Hasani; Aziz Hoxha; Xhemil Ismani; Rexhep Ismani; Salih Jonuzi; Basri Krasniqi; Emin Krasniqi; Naser Kuka; Sami Kurteshi; Avdi Limani; Ali Luzha; Berat Luzha; Mevlyde Malaj (female); Habib Misini; Basri Musmurati; Xhelil Pajaziti; Zef Pali; Ilmi Reçica; Shemsi Salihu; Shqipe Salihu; Shqipe Sejdiu (female); Mujë Shabani; Habib Shehu; Enver Topalli; Qamil Xhemajli; and Hysen Zenuni. Medical certificates issued by doctors in Uroševac, Kaçanik, Gnjilane and Priština were said to have confirmed injuries, including bruising, suffered by 17 of those arrested consistent with their allegations of ill-treatment. One detainee, Avdi Limani, allegedly suffered a broken rib.

Urgent appeals

915. The Special Rapporteur made six urgent appeals on behalf of the persons mentioned in the following paragraphs. The dates on which the appeals were transmitted appear in brackets at the end of the corresponding summaries.

916. Ismet Mahmuti and Faik Ajeti were among a group of Albanians from Kosovo province who were convicted on 27 February 1994 by the district court of Priština on charges of conspiring to undermine Yugoslavia's territorial integrity. It was reported that they were again under investigation and that they had been transferred from Priština to Kosovska Mitrovica prison where they were said to have been severely tortured (15 April 1994).

917. Salih Salihu was convicted in February 1994 by the district court of Priština, together with 16 other ethnic Albanians, on charges of conspiring to obtain by force the secession of Kosovo province. At the opening of his trial in December 1993 he was reportedly too ill to walk by himself and had to be helped into the courtroom by two police officers. Subsequently, he told the court that following his arrest he had been repeatedly beaten all over his body with an electric truncheon. After the trial he was transferred to Belgrade central prison, where his health was said to have deteriorated further, allegedly as a result of ill-treatment in that prison. When his family visited him, he was brought to the visitors' room in a wheelchair. Relatives who have since spoken to him by telephone reportedly said that he complained of acute pains in his hip and back (19 May 1994).

918. Nebih Zogaj, an ethnic Albanian from Kosovo and Chairman of the Belanica branch of the LDK, was arrested and beaten on 1 June 1994 by members of the police who searched his offices at the school where he was headmaster, before taking him to the Suva Reka police station. After a second beating on 9 June, he reportedly had to be hospitalized in Djakovica. He was discharged on 13 June and the same day was summoned to the same police station where he was again allegedly beaten and lost consciousness. Bajram Samadraxha, another primary school headmaster in Banja, near Mališevo, was also reportedly beaten in Suva Reka police station on 13 June and ordered to report again to the

police the following day. Other ethnic Albanians had reportedly been ill-treated by police at Suva Reka police station. These included Asllan Shala, who was beaten on 30 April; Bashkim Krasniqi, who was beaten on 24 May and suffered severe injuries and Qazim Sallauka, who was beaten on 9 June. Fears were expressed that such beatings would continue to occur (17 June and 1 July 1994).

919. Ganimet Podvorica, an ethnic Albanian from Kosovo, was reportedly arrested on 17 September 1994 and was being held in Priština on charges connected with the shooting at a police patrol in the town of Glogovac on 22 May 1993 in which two Serbian police officers were killed (23 September 1994).

920. The following former police officers and members of the Independent Trade Union of Former Police Officers, all ethnic Albanians, were reportedly arrested in Kosovo province: Ramadan Ndrecaj, Shaip Mustafa, and Murtez Jahaj, Ilmi Bujari from Suva Reka; Rexhep Oruçi and Salih Sokoli from Orahovac; Avdi Mehmedoviq, Haki Mehmeti, Ali Mehmeti, and Blerim Olloni from Priština; Sejfullah Sahatçiu, Shefqet Beqa, Remzi Tertica, Halil Kafexholli, Xhavit Osmani, and Muhamet Nimani from Djakovica; Adem Shala, from Pizren; Halil Blakaj and Reshat Maliqi, from Mališevo; Jonuz Loshi, Selim Çitaku, Ilmi Uka, Abdullah Doroci, and Shefqet Budakova from Kosovska Mitrovica; Fadil Hyseni, Bajram Jakaj and Isak Aliu from Uroševac; Idriz Jashari from Podujev; Enver Ramizi and Esat Merovci from Gnjilane; Idriz Sejdiu, from Srbica commune; Shefqet Berisha, from Kačanik; Sherif Shala, Faik Jasiqi, Gani Hajdari, Vlasnim Shehu, and Shaban Shala from Peć commune. Ramadan Ndrecaj, former chief of police in Suva Reka, was arrested on 22 November and allegedly so severely ill-treated in Pizren police station that he was admitted to Prizren hospital for treatment. Fears were expressed that the other detainees would face torture or ill-treatment (28 November 1994).

Observations

921. In the absence of any reply from the Government and in the light of the consistency of the allegations received, the Special Rapporteur is disposed to consider the thrust of the allegations as reflecting an extensive practice of torture and similar ill-treatment, especially in Kosovo.

III. CONCLUSIONS AND RECOMMENDATIONS

922. Torture continues to be practised in a substantial number of Member States, despite its absolute prohibition under international law and its repeated condemnation by the General Assembly and the Commission on Human Rights. Since the establishment of the Special Rapporteur's mandate, the annual reports to the Commission have made various recommendations aimed at preventing the practice. Most of these merely reflect norms contained in instruments already adopted by the United Nations.

923. The Special Rapporteur is convinced that, if States were to comply with these recommendations, the incidence of torture in the world would be

dramatically reduced. Accordingly, this chapter concludes with a statement, in summarized and condensed form, of the recommendations that have been made over the past decade.

924. As the first decade of the mandate and the current portion of it made the responsibility of the present Special Rapporteur draw to a close, the Special Rapporteur would have welcomed the opportunity to recommend that there was no need for the Commission to continue the function. The contents of the report preclude him from making that recommendation. Lamentably, the need for the renewal of the mandate is all too evident and the Special Rapporteur therefore recommends its renewal.

925. Like other special rapporteurs, representatives, experts and members of working groups of the Commission on Human Rights, the Special Rapporteur on the question of torture reminds the Commission that he has a full-time function outside the United Nations, in his case, as a university teacher. While he is grateful for the support of the University of Essex, which is understanding of the tendency of the demands of his role as Special Rapporteur to obtrude into his university function (as Professor and Dean of the School of Law), the work for the United Nations must remain additional to the full-time demands of academic life. This means that he is heavily dependent on the professional assistance that the Centre for Human Rights can provide. At present, this consists of between one half and two thirds of the time of one human rights officer. This is grossly inadequate and the inadequacy, while mitigated, is not compensated for by his having been able to secure the temporary additional assistance of an intern. The Special Rapporteur appeals to the Commission and the Secretariat to take urgent steps to redress this problem.

926. The compilation of recommendations which may all be resolved into one global recommendation - an end to de facto or de jure impunity (see E/CN.4/1994/31, paras. 666-670) - follows:

(a) Countries that are not party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment should sign and ratify or accede to that Convention. Torture should be designated and defined as a specific crime in national legislation. In countries where legislative provisions do not exist which give authorities jurisdiction to prosecute and punish torture, the enactment of such legislation should be made a priority. In this regard, provisions should also stipulate that evidence obtained through the use of torture, including confessions, should be excluded from judicial proceedings;

(b) Interrogation should take place only at official centres and the maintenance of secret places of detention should be abolished under law. It should be a punishable offence for any official to hold a person in a secret and/or unofficial place of detention. Any evidence obtained from a detainee in an unofficial place of detention and not confirmed by the detainee during interrogation at official locations should not be admitted as evidence in court;

(c) Regular inspection of places of detention, especially when carried out as part of a system of periodic visits, constitutes one of the most effective preventive measures against torture. Inspections of all places of detention, including police lock-ups, pre-trial detention centres, security service premises, administrative detention areas and prisons, should be conducted by teams of independent experts. When inspection occurs, members of the inspection team should be afforded an opportunity to speak privately with detainees. The team should also report publicly on its findings. When official, rather then independent teams carry out inspections, such teams should be composed of members of the judiciary, law enforcement officials, defence lawyers and physicians, as well as independent experts. Where such inspection teams have yet to be established, International Committee of the Red Cross (ICRC) teams should be granted access to places of detention;

(d) Torture is most frequently practised during incommunicado detention. Incommunicado detention should be made illegal and persons held incommunicado should be released without delay. Legal provisions should ensure that detainees be given access to legal counsel within 24 hours of detention. Security personnel who do not honour such provisions should be punished. In exceptional circumstances, under which it is contended that prompt contact with a detainee's lawyer might raise genuine security concerns, and where restriction of such contact is judicially approved, it should at least be possible to allow a meeting with an independent lawyer, such as one recommended by a bar association. In all circumstances, a relative of the detainee should be informed of the arrest and place of detention within 18 hours. At the time of arrest, a person should undergo a medical inspection, and medical inspections should be repeated regularly and should be compulsory upon transfer to another place of detention. Each interrogation should be initiated with the identification of all persons present. All interrogation sessions should be recorded and the identity of all persons present should be included in the records. Evidence from non-recorded interrogations should be excluded from court proceedings. The practice of blindfolding and hooding often makes the prosecution of torture virtually impossible, as victims are rendered incapable of identifying their torturers. Thus, blindfolding or hooding should be forbidden;

(e) Administrative detention often puts detainees beyond judicial control. Persons under administrative detention should be entitled to the same degree of protection as persons under criminal detention;

(f) Provisions should give all detained persons the ability to challenge the lawfulness of detention, e.g. through habeas corpus or amparo. Such procedures should function expeditiously;

(g) When a detainee or relative or lawyer lodges a torture complaint, an inquiry should always take place. A complaint that is determined to be well founded should result in compensation to the victim or relatives. In all cases of death occurring in custody or shortly after release, an inquiry should be held by judicial or other impartial authorities. A person found to be responsible for torture or severe maltreatment should be tried and, if found guilty, punished. Legal provisions granting exemption from criminal responsibility for torturers, such as amnesties, indemnity laws, etc., should be abrogated. If torture has occurred in an official place of detention, the official in charge of that place should be disciplined or punished. Military tribunals should not be used to try persons accused of torture. Independent national authorities, such as a national commission or ombudsman with investigatory and/or prosecutorial powers, should be established to receive and to investigate complaints. Complaints about torture should be dealt with immediately and should be investigated by an independent authority with no relation to that which is investigating or prosecuting the case against the alleged victim;

(h) Training courses and training manuals should be provided for police and security personnel and assistance when requested should be provided by the United Nations programme of advisory services and technical assistance. Security and law enforcement personnel should be instructed on the Code of Conduct for Law Enforcement Officials, the Standard Minimum Rules for the Treatment of Prisoners, and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and these instruments should be translated into the relevant national languages. In the course of training, particular stress should be placed upon the principle that the prohibition of torture is absolute and non-derogable and that there exists a duty to disobey orders from a superior to commit torture. Governments should scrupulously translate into national guarantees the international standards they have approved and should familiarize law enforcement personnel with the rules they are expected to apply;

(i) Health sector personnel should be instructed on the Principles of Medical Ethics for protection of detainees and prisoners. Governments and professional medical associations should take strict measures against medical personnel that play a role, direct or indirect, in torture. Such prohibition should extend to such practices as examining a detainee to determine his "fitness for interrogation", procedures involving ill-treatment or torture, as well as providing medical treatment to ill-treated detainees so as to enable them to withstand further abuse;

(j) National legislation and practice should reflect the principle enunciated in article 3 of the Torture Convention, namely the prohibition on the return, expulsion or extradition of a person to another State "where there are substantial grounds for believing that he would be in danger of being subjected to torture".
